By Mr. REEDER: Petition of citizens of Kansas, against S. 3940 (Johnston Sunday law)—to the Committee on the District of Columbia.

By Mr. STEENERSON: Petition of citizens of Becker County, Minn., against S. 3940 (Johnston Sunday law)—to the Committee on the District of Columbia.

By Mr. TALBOTT: Petition of Canned Goods Exchange of Baltimore, favoring removal of duty on fresh pineapples—to the Committee on Ways and Means.

By Mr. WALLACE: Paper to accompany bill for relief of J. B. Maryman—to the Committee on Invalid Pensions.

By Mr. WANGER: Petition of citizens of Pennsylvania, in favor of a parcel post—to the Committee on the Post-Office and Post-Roads.

By Mr. WEEKS: Petition of Massachusetts Reform Club, favoring Senate bill 4825, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

SENATE.

WEDNESDAY, *January 6, 1909.*

Prayer by the Chaplain, Rev. Edward E. Hale.

The Journal of yesterday's proceedings was read and approved.

LINNEKIN V. UNITED STATES.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact, as amended, filed by the court in the cause of Selena A. Linnekin, widow of Thomas J. Linnekin, deceased, *v.* United States, with which is consolidated the cause entitled "Jessie E. Linnekin *v.* United States." (S. Doc. No. 636.) The former findings in case 10942—41 Cong., C. and F., certified to the Senate, December 4, 1906, having been recalled by the court, which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

FINDINGS OF THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Charles L. Green and Samuel T. Green, executors of Charles Green, deceased, *v.* United States (S. Doc. No. 633), which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 22306. An act to authorize the Delaware, Lackawanna and Western Railroad Company and the Lackawanna Railroad Company of New Jersey to construct and maintain a bridge across the Delaware River from a point near the village of Columbia, Knowlton Township, Warren County, N. J., to the village of Slateford, Northampton County, Pa.;

H. R. 22340. An act relating to injured employees on the Isthmian Canal; and

H. R. 23711. An act to build a bridge across the Santee River, South Carolina.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the Vice-President:

H. R. 17707. An act to authorize William H. Standish to construct a dam across James River, in Stone County, Mo., and divert a portion of its waters through a tunnel into the said river again to create electric power;

H. R. 22879. An act to amend an act entitled "An act to authorize the city of St. Louis, a corporation organized under the laws of the State of Missouri, to construct a bridge across the Mississippi River," approved January 23, 1908; and

H. J. Res. 208. Joint resolution providing for expenses of the House Office Building.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the General Assembly of the Presbyterian Church of the United States, praying for the enactment of legislation requiring all individuals and corporations engaged in interstate commerce to grant their employees fifty-two rest days in each year, which was referred to the Committee on Interstate Commerce.

Mr. PLATT presented a petition of Local Grange No. 1072, Patrons of Husbandry, of Binghamton, N. Y., praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented memorials of sundry citizens of New York City, Brooklyn, the Bronx, Mount Vernon, New Rochelle, Yonkers, and White Plains, all in the State of New York, remonstrating against the enactment of any legislation inimical to the railroad interests of the country, which were referred to the Committee on Interstate Commerce.

He also presented a memorial of the American Locomotive Works, of New York City, N. Y., and a memorial of the Ramapo Iron Works, of Hillburn, N. Y., remonstrating against the adoption of certain proposed amendments to the interstate-commerce law relating to freight rates, which were referred to the Committee on Interstate Commerce.

Mr. FRYE presented a petition of sundry citizens of Topsham, Me., praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. SCOTT presented a petition of sundry citizens of the State of West Virginia, praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Board of Trade of Clarksburg, W. Va., remonstrating against the enactment of any legislation tending to continue or aggravate the agitation against corporate interests, which was referred to the Committee on Finance.

Mr. CURTIS presented a petition of sundry citizens of the State of Kansas, praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. HOPKINS presented a petition of Local Grange No. 584, Patrons of Husbandry, of Waltham, Ill., praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Manufacturers' Association of Rockford, Ill., remonstrating against the enactment of any legislation tending to continue or aggravate the agitation against corporate interests, which was referred to the Committee on Finance.

Mr. PILES presented a petition of Pleasant Hill Grange, No. 101, Patrons of Husbandry, of Castle Rock, Wash., praying for the passage of the so-called "rural parcels-post" and "postal savings bank" bills, which was referred to the Committee on Post-Offices and Post-Roads.

He also (for Mr. ANKENY) presented a petition of sundry citizens of Trout Lake, Wash., praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which was referred to the Committee on Post-Offices and Post-Roads.

He also (for Mr. ANKENY) presented a petition of members of the Bar Association of Pierce County, Wash., praying for the enactment of legislation to create an additional judge for the western district in that State, and also to increase the salaries of the United States circuit and district court judges, which was referred to the Committee on the Judiciary.

Mr. BURKETT presented a petition of the Commercial Club of Plattsmouth, Nebr., praying that an appropriation of $500,000,000 be made for the improvement of the rivers and harbors of the country, which was referred to the Committee on Commerce.

Mr. BROWN presented a memorial of sundry citizens of Genoa, Nebr., remonstrating against the enactment of legislation providing for the closing of the United States Indian Industrial School at that city, which was referred to the Committee on Indian Affairs.

Mr. MONEY presented the petition of Frederick Hess, of Pascagoula, Miss., praying for the enactment of legislation to reimburse him for the loss of his title to a part of Round Island, in the Bay of Pascagoula, in that State, which was referred to the Committee on Claims.

Mr. WARREN presented a memorial of the Wool Growers' Association of Big Horn County, Wyo., remonstrating against the enactment of any legislation tending to change the existing land laws of the United States, which was referred to the Committee on Public Lands.

He also presented a memorial of the Cheyenne Branch of Railway Postal Clerks of the State of Wyoming, remonstrating against the enactment of legislation providing for the retirement of superannuated employees in the classified civil service, which was referred to the Committee on Civil Service and Retrenchment.

He also presented a petition of Local Union No. 2282, United Mine Workers of America, of Rock Springs, Wyo., praying for the enactment of legislation providing a sufficient compensation to maintain the families or beneficiaries of those injured in mine disasters, which was referred to the Committee on Mines and Mining.

REPORTS OF COMMITTEES.

Mr. DIXON, from the Committee on Public Lands, to whom was referred the bill (S. 7925) to create an additional land district in the State of Montana, to be known as the "Harlowton land district," reported it without amendment and submitted a report (No. 710) thereon.

Mr. GAMBLE, from the Committee on Public Lands, to whom was referred the bill (S. 7377) authorizing the creation of a land district in the State of South Dakota, to be known as the "Belle Fourche land district," reported it without amendment and submitted a report (No. 711) thereon.

Mr. SMOOT, from the Committee on Public Lands, to whom was referred the bill (S. 7969) for the relief of Theodore Bruener, asked to be discharged from its further consideration and that it be referred to the Committee on Claims, which was agreed to.

He also, from the Committee on Patents, to whom was referred the amendment submitted by Mr. NELSON on the 16th ultimo, proposing to increase the salary of the register of copyrights, Library of Congress, from $3,000 to $4,000, intended to be proposed to the legislative, etc., appropriation bill, reported favorably thereon, and moved that it be printed and, with the accompanying paper, referred to the Committee on Appropriations, which was agreed to.

Mr. CULLOM, from the Committee on Foreign Relations, reported an amendment repealing the provision of the diplomatic and consular appropriation law of June 30, 1894, providing that whenever the President shall be advised that any foreign government is represented or is about to be represented in the United States by an ambassador, envoy extraordinary, minister plenipotentiary, etc., he is authorized, in his discretion, to direct that the representative of the United States to such government shall bear the same designation, etc., intended to be proposed to the diplomatic and consular appropriation bill, and moved that it be printed and referred to the Committee on Appropriations, which was agreed to.

Mr. LODGE, from the Committee on Foreign Relations, to whom was referred the amendment submitted by himself on the 17th ultimo, proposing to increase the salary of the envoy extraordinary and minister plenipotentiary to China from $12,000 to $17,500, intended to be proposed to the diplomatic and consular appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed, which was agreed to.

He also, from the same committee, reported an amendment proposing to appropriate $66,000 to enable the Secretary of State to return to such contributors as may file their claims within two years after the passage of this act the money raised to pay the ransom for the release of Miss Ellen M. Stone, an American missionary to Turkey, etc., intended to be proposed to the general deficiency appropriation bill, and moved that it be printed and, with the accompanying papers, referred to the Committee on Appropriations, which was agreed to.

Mr. FULTON, from the Committee on Claims, to whom was referred the bill (H. R. 23351) for the relief of the owners of the Mexican steamship *Tabasqueno*, asked to be discharged from its further consideration and that it be referred to the Committee on Foreign Relations, which was agreed to.

Mr. ELKINS. I am directed by the Committee on Interstate Commerce, to whom was referred the bill (S. 423) to amend section 6 of an act entitled "An act to regulate commerce," approved February 4, 1887, and acts amendatory thereof, to report it adversely.

Mr. FULTON. I understand the Senator will later file a written report.

Mr. ELKINS. I will file a report.

The VICE-PRESIDENT. The bill, with the adverse report, will be placed on the calendar.

Mr. FLINT, from the Committee on Public Lands, to whom was referred the bill (S. 7257) providing a means for acquiring title to private holdings in the Sequoia and General Grant national parks, in the State of California, in which are big trees and other natural curiosities and wonders, reported it with an amendment, and submitted a report (No. 712) thereon.

BILLS INTRODUCED.

Mr. DICK introduced a bill (S. 8183) for the relief of the several States under the act of July 8, 1898, and acts amendatory thereto, which was read twice by its title and referred to the Committee on Claims.

Mr. HOPKINS introduced a bill (S. 8184) granting an increase of pension to Charles G. Sanders, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 8185) granting an increase of pension to George W. Thompson, which was read twice by its title and referred to the Committee on Pensions.

He also introduced a bill (S. 8186) granting an increase of pension to William A. Fry, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. DILLINGHAM introduced a bill (S. 8187) to change the name of the Washington Hospital for Foundlings, which was read twice by its title and referred to the Committee on the District of Columbia.

Mr. SMOOT introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 8188) granting an increase of pension to Matthew Caldwell;

A bill (S. 8189) granting an increase of pension to John Duke;

A bill (S. 8190) granting an increase of pension to Daniel R. Firman; and

A bill (S. 8191) granting an increase of pension to Charles L. White.

Mr. PILES introduced a bill (S. 8192) permitting Salmon M. Allen to make a second homestead entry, which was read twice by its title and, with the accompanying paper, referred to the Committee on Public Lands.

Mr. PILES (for Mr. ANKENY) introduced a bill (S. 8193) granting an increase of pension to Albert Boon, which was read twice by its title and referred to the Committee on Pensions.

Mr. KNOX introduced a bill (S. 8194) granting an increase of pension to George J. Bond, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. CUMMINS introduced a bill (S. 8195) granting an increase of pension to Franklin L. Hays, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. McENERY introduced a bill (S. 8196) to amend the patent laws of the United States, which was read twice by its title and referred to the Committee on Patents.

He also introduced a bill (S. 8197) for the relief of James L. Bradford, which was read twice by its title and referred to the Committee on Public Lands.

Mr. GUGGENHEIM introduced a bill (S. 8198) granting an increase of pension to William J. Renard, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. MILTON introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 8199) for the relief of the estate of George H. Curry, deceased; and

A bill (S. 8200) for the relief of C. M. Cox.

Mr. CULBERSON (by request) introduced a bill (S. 8201) for the incorporation of a company for the benefit of its members, which was read twice by its title and referred to the Committee on the District of Columbia.

Mr. BROWN introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 8202) granting an increase of pension to Moses Bradford;

A bill (S. 8203) granting an increase of pension to Milton H. Bates;

A bill (S. 8204) granting an increase of pension to Mary E. Kellogg; and

A bill (S. 8205) granting an increase of pension to Osmund Mikesell.

Mr. CURTIS introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 8206) granting a pension to Maria C. Hanay;

A bill (S. 8207) granting a pension to Sarah E. Garner (with the accompanying papers); and

A bill (S. 8208) granting a pension to William H. Jones (with the accompanying papers).

Mr. PENROSE introduced a bill (S. 8209) to increase and fix the pay of petty officers and enlisted men of the United States Navy, which was read twice by its title and referred to the Committee on Naval Affairs.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Military Affairs:

A bill (S. 8210) to grant an honorable discharge to Harry P. Eakin; and

A bill (S. 8211) to grant an honorable discharge to John W. Hayes, alias William Keating.

Mr. PENROSE introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Military Affairs:

A bill (S. 8212) to grant an honorable discharge to Jacob Aikey; and

A bill (S. 8213) to grant an honorable discharge to George W. Hopkins.

Mr. PENROSE introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions;

A bill (S. 8214) granting a pension to Jane Elvin;

A bill (S. 8215) granting a pension to Anna M. Reed;

A bill (S. 8216) granting an increase of pension to Cerelle Shattuck;

A bill (S. 8217) granting an increase of pension to James H. Wilson;

A bill (S. 8218) granting an increase of pension to Lewis A. Uhl;

A bill (S. 8219) granting an increase of pension to Hugh Magee; and

A bill (S. 8220) granting an increase of pension to Nancy J. Martin (with accompanying papers).

Mr. BAILEY (by request) introduced a bill (S. 8221) for the relief of Mrs. V. R. Davenport, which was read twice by its title and referred to the Committee on Claims.

Mr. RAYNER introduced a bill (S. 8222) granting an increase of pension to Eliza Mills, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. GUGGENHEIM introduced a bill (S. 8223) turning over the Indian school at Fort Lewis, Colo., to the State of Colorado for school purposes, which was read twice by its title and referred to the Committee on Indian Affairs.

AMENDMENTS TO LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. CLARK of Wyoming submitted an amendment proposing to increase the salaries of the Chief Justice of the Supreme Court of the United States and associate justices, etc., intended to be proposed by him to the legislative, etc., appropriation bill, which was referred to the Committee on the Judiciary and ordered to be printed.

Mr. KITTREDGE submitted an amendment proposing to increase the salaries of three examiners in chief, Patent Office, from $3,000 to $4,500 each, intended to be proposed by him to the legislative, etc., appropriation bill, which was referred to the Committee on Patents and ordered to be printed.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on Commerce:

H. R. 22306. An act to authorize the Delaware, Lackawanna and Western Railroad Company and the Lackawanna Railroad Company of New Jersey to construct and maintain a bridge across the Delaware River from a point near the village of Columbia, Knowlton Township, Warren County, N. J., to the village of Slateford, Northampton County, Pa.; and

H. R. 23711. An act to build a bridge across the Santee River, South Carolina.

H. R. 22340. An act relating to injured employees on the Isthmian Canal, was read twice by its title and referred to the Committee on Interoceanic Canals.

LANDS IN ALASKA.

Mr. FLINT. I am directed by the Committee on Public Lands, to whom was referred the amendment of the House of Representatives to the bill (S. 6418) authorizing the sale of lands at the head of Cordova Bay, in the Territory of Alaska, and for other purposes, to move that the Senate disagree to the amendment of the House and request a conference with the House on the disagreeing votes of the two Houses thereon, the conferees to be appointed by the Chair.

The motion was agreed to, and the Vice-President appointed as conferees on the part of the Senate Mr. FLINT, Mr. HEYBURN, and Mr. BANKHEAD.

CONSIDERATION OF THE CALENDAR.

The VICE-PRESIDENT. The calendar under Rule VIII is in order. The Secretary will state the first business on the calendar.

The joint resolution (S. R. 74) suspending the commodity clause of the present interstate-commerce law was announced as the first business on the calendar.

Mr. NELSON. Let the joint resolution go over.

The VICE-PRESIDENT. The joint resolution will go over without prejudice, at the request of the Senator from Minnesota.

The resolution (S. Res. 93) relating to the reorganization of the Northern Pacific Railroad Company was announced as the next business on the calendar.

Mr. NELSON. Let the resolution go over.

The VICE-PRESIDENT. The resolution will go over without prejudice, at the request of the Senator from Minnesota.

The bill (S. 915) to prevent the sale of intoxicating liquors in buildings, ships, navy-yards, and parks, and other premises owned or used by the United States Government was announced as next in order.

Mr. SCOTT. Let the bill go over without prejudice.

Mr. BORAH. I ask that the bill may go over.

The VICE-PRESIDENT. The bill will go over without prejudice.

The bill (S. 6576) to regulate the interstate-commerce shipments of intoxicating liquors was announced as next in order.

Mr. KNOX. Let the bill go over.

The VICE-PRESIDENT. The bill will go over without prejudice at the request of the Senator from Pennsylvania.

The bill (S. 7112) for the appointment of an inland waterways commission, with the view to the improvement and development of the inland waterways of the United States, was announced as next in order.

Mr. KEAN. Let the bill go over.

The VICE-PRESIDENT. The bill will go over without prejudice at the request of the Senator from New Jersey.

Mr. TELLER. I will ask to have it go to the calendar, under Rule IX.

The VICE-PRESIDENT. The bill will go to the calendar, under Rule IX, at the request of the Senator from Colorado.

The bill (S. 5310) to authorize the Kaw tribe of Indians residing in the State of Oklahoma to bring suit in the Court of Claims, and for other purposes, was announced as next in order.

Mr. KEAN. I understand there is no report with the bill, and the Senator from Oklahoma [Mr. OWEN] is not present. So I ask that it may go over.

The VICE-PRESIDENT. The bill will go over without prejudice at the request of the Senator from New Jersey.

BANKS IN THE DISTRICT OF COLUMBIA.

The bill (S. 6495) to provide for the incorporation of banks within the District of Columbia was considered as in Committee of the Whole.

Mr. BACON. I should like to ask if there is a report accompanying the bill?

The VICE-PRESIDENT. There is a report accompanying the bill.

Mr. BACON. From what committee?

The VICE-PRESIDENT. From the Committee on the District of Columbia.

Mr. CLAY. I should like to ask the Senator in charge of the bill if it is not true that the bill changes the national banking laws of the country as applied to the District of Columbia? I understand that the general national banking law applies to the District of Columbia as it does to any other section of the country. As I caught the reading of the bill, there are certain restrictions and limitations placed upon the national banking law as applied to the District of Columbia and not applied to the balance of the country. I should be glad to have the Senator from Vermont explain it.

Mr. DILLINGHAM. Mr. President, there are doing business in the city of Washington at this time a large number of banking institutions, a considerable number of whom have received their charters from States and have come here under state charters to do business.

The first section of the bill provides that those who seek to do business in this District may organize banks with not less than $100,000 capital, under precisely the same conditions that national banks are organized, having the same number of associates, filing the same certificate, and receiving from the Comptroller of the Currency a certificate that they have complied with the law. It puts them under precisely the same regulations that national banks are under for this District.

When we come to the second section, it provides that the banks that have come from outside with outside charters may convert themselves into banks of the District under precisely the same regulations by which state banks convert themselves into national banks. If the Senator will look at section 2, I think he will find that the provisions are almost precisely the same as those in the national banking act providing for the conversion of state banks.

Then, when we come to section 3, there is the following provision:

That from and after the 1st day of January, A. D. 1909, no company, association, or corporation shall transact a banking business or maintain an office or banking house where deposits or savings are received within the District of Columbia except associations organized under the national banking act, corporations organized under an act of Congress entitled "An act to provide for the incorporation of trust, loan, mortgage, and certain other corporations within the District of Columbia," approved October 1, 1890; except also a branch or branches in the District of Columbia of foreign banking corporations which have branches outside the United States and are engaged in international banking, building associations receiving payments from their own members, and corporations organized under this act, and any person, firm, or copartnership now engaged, or that may hereafter engage in the business of private banking in the District of Columbia.

Then comes a provision that private bankers shall pay a license fee, and they are limited in their right to advertise their business. They are not permitted under any circumstances to advertise that they are a bank.

Mr. CLAY. Will the Senator permit me?

The VICE-PRESIDENT. Does the Senator from Vermont yield to the Senator From Georgia?

Mr. DILLINGHAM. Certainly.

Mr. CLAY. If this bill shall become a law, as I understand the Senator, banking associations in the District of Columbia hereafter can not do business except under this act.

Mr. DILLINGHAM. Under this act——

Mr. CLAY. And banking associations that have come into the city and engaged in business under state charters or under the existing law will have to comply with this law; otherwise they will have to go out of business?

Mr. DILLINGHAM. They will have to convert themselves into banking associations under this law and become subject to the examination of the Comptroller of the Currency. That is the object of the bill.

Mr. SMITH of Michigan. The provision in section 3 strikes me as a very radical departure from the rules that have heretofore governed in the organization of national banks. I do not know of any good reason why a foreign banking association, not organized under the laws of our country, should be given such a status in the District of Columbia as section 3 provides. I should like to know from the Senator whether there is any banking corporation now doing business in the District of Columbia not organized under the national banking law. Is this provision to cover some present case?

Mr. DILLINGHAM. It is to cover, as I understand it, Mr. President, one particular case. The International Banking Association—I do not know that I give the name correctly—is a corporation which has branches in almost every nation of the earth. They have a branch in this city, the office being just above Willard's Hotel on F street. I understand that it is an institution of the finest character and standing, and one through which our Government does business in some foreign nations. This exception was put in because it is utterly impossible for a bank of that character to make its reports and keep its accounts as other banks, so that they can be inspected at the same time and bring the reports up to specific dates.

Mr. SMITH of Michigan. I should like to ask the Senator under what law the International Banking Association is incorporated.

Mr. DILLINGHAM. I do not know.

Mr. SMITH of Michigan. I should like to know whether it is an incorporated institution at all or whether it is a purely voluntary association, with a big title and no responsibility to any state or any country. If that is the case, I am utterly opposed to opening the door to general banking business by any association not formed under the law, and subject to the strictest supervision that can be imposed by law.

Mr. FLINT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Vermont yield to the Senator from California?

Mr. DILLINGHAM. Very gladly, if the Senator from California can give any information on that point.

Mr. FLINT. I desire to ask under what rule this bill is being considered, and whether an objection will take it over.

The VICE-PRESIDENT. It is being considered under Rule VIII, and is subject to objection.

Mr. FLINT. I ask that it may go over. A commission is now examining this very question, and it seems to me a mistake to take up the banking question for the District of Columbia when we now have a financial commission considering the whole banking system of the country.

The VICE-PRESIDENT. The bill will go over without prejudice, at the request of the Senator from California.

APPEALS FROM DISTRICT COURT OF ALASKA.

The bill (H. R. 13649) providing for the hearing of cases upon appeal from the district court for the district of Alaska in the circuit court of appeals for the ninth circuit was considered as in Committee of the Whole.

Mr. KEAN. Is there a report accompanying the bill?

The VICE-PRESIDENT. A report accompanies the bill.

Mr. KEAN. Let the report be read. The report is brief.

The VICE-PRESIDENT. The Secretary will read the report.

The Secretary read the report submitted by Mr. FULTON May 18, 1908, as follows:

The Committee on the Judiciary, to whom was referred the bill (H. R. 13649) providing for the hearing of cases upon appeal from the district court for the district of Alaska in the circuit court of appeals for the ninth circuit, having had the same under consideration, respectfully report it back to the Senate and recommend that it do pass.

At the present time practically all appeals from the district court of Alaska must be heard at San Francisco. There is no direct communication between San Francisco and Alaska, and hence the litigant in Alaska in order to attend the court of appeals in San Francisco must pass through Seattle, Wash., or Portland, Oreg., both going to and returning from San Francisco, and must travel about 2,000 miles farther than if the case were heard at Seattle, Wash., or Portland, Oreg. There is now annually held both at Seattle and Portland a term of the circuit court of appeals; hence it will impose no inconvenience on the court to hear at one of those places all cases which the best interests of the Alaska litigants require should be heard there. The Delegate from the district of Alaska strongly favors this bill, which proposes to change the existing law so that the trial court may designate at what place the appeal shall be heard—that is, whether it shall be heard at San Francisco, Cal.; at Portland, Oreg., or at Seattle, Wash. It is provided, however, that at any time before the hearing of the appeal the parties thereto may stipulate at which of the above-named places the same shall be heard.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

INLAND WATERWAYS COMMISSION.

The bill (H. R. 21899) for the appointment of an inland waterways commission, with the view to the improvement and development of the inland waterways of the United States, was announced as next in order.

Mr. KEAN. Let the bill go over.

The VICE-PRESIDENT. The bill will go over without prejudice, at the request of the Senator from New Jersey.

CONDEMNATION OF LAND.

The bill (S. 6626) providing for the condemnation for any public purpose of lands owned or held by the United States was announced as next in order.

Mr. FLINT. Let the bill go over.

The VICE-PRESIDENT. The bill will go over, at the request of the Senator from California, without prejudice.

COL. WILLIAM F. STEWART.

The next business on the calendar was Senate resolution 192, requesting the President to convene a court of inquiry in the case of Col. William F. Stewart.

Mr. FRYE. Let the resolution go over.

The VICE-PRESIDENT. The resolution will go over, without prejudice, at the request of the Senator from Maine.

Mr. LODGE. The resolution has never been to any committee. It went to the calendar, under the rule, at 2 o'clock. I suggest that it be referred to the Committee on Military Affairs. I make that motion.

The VICE-PRESIDENT. The Senator from Massachusetts moves that the resolution be referred to the Committee on Military Affairs.

The motion was agreed to.

CHARLES J. SMITH.

The bill (S. 6586) to correct the military record of Charles J. Smith was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Af-

fairs with an amendment to strike out all after the enacting clause and insert:

That Charles J. Smith shall hereafter be held and considered to have been honorably discharged as a private of Company F, Third Regiment New Jersey Volunteer Cavalry, as of date August 1, 1865; and that the Secretary of War be, and he is hereby, authorized and directed to issue to said Charles J. Smith an honorable discharge as of that date: *Provided*, That no pay, bounty, or other emoluments shall accrue or become payable by virtue of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ROBERT B. WHITACRE AND FREDERICK T. HILDRED.

The bill (S. 7721) for payment of Robert B. Whitacre and Frederick T. Hildred the sum of $944.97 for blasting powder used by the United States Government to complete the Belle Fourche irrigation project was considered as in Committee of the Whole.

Mr. KEAN. Let the report in that case be read.

The VICE-PRESIDENT. The Secretary will read the report at the request of the Senator from New Jersey.

The Secretary read the report submitted by Mr. CLAPP December 16, 1908, as follows:

The Committee on Claims, to which was referred the foregoing bill, having examined the same, report it favorably and recommend its passage without amendment.

MEMORANDUM.

In 1906 the firm of Widell-Finley Company was engaged in the construction of the irrigation project known as the "Bellefourche project," in South Dakota. While so engaged the claimants furnished, among other things, 800 kegs of blasting powder. Upon the failure of the contractors this powder was unpaid for, and the Government had and used 742½ kegs of said powder, as appears from the letter of the acting director hereto attached. While the contract price for the work amounted to over $100,000, the bond taken by the Government was only $21,500. Upon the failure of the contractors the Government continued the work at a cost of about $65,000, which more than exhausted the bond. The law provides that persons furnishing goods can join in a suit on a bond, but can only participate in the benefits after the charge of the Government has been paid. (See ch. 778 of the Laws of 1905, p. 811, Stat. L., 33, pt. 1.)

Under the rules parties are not furnished information as to the amount of the bond, and therefore naturally rely on the Government taking a sufficient bond.

In further support of the report reference is made to the exhibits hereto attached.

EXHIBIT A.

ST. PAUL, MINN., *November 25, 1907.*

Hon. F. H. NEWELL,
Chief of Bureau of Reclamation, Washington, D. C.

DEAR SIR: We hereby respectfully submit our claim against the United States for $942.97 with interest from March 26, 1906, at 6 per cent per annum.

This amount is the purchase price and reasonable value of 742½ kegs of blasting powder sold and delivered by us to Widell-Finley Company at Bellefourche, S. Dak., on February 1, 1906, and appropriated and used by the United States in the completion of government work at that point. No part of this claim has been paid.

The facts connected with this claim are as follows:

On January 25, 1906, we contracted with Widell-Finley Company to sell and deliver to them at Bellefourche, S. Dak., 800 kegs of blasting powder for $1,016 (freight to be added), to be used in the government work at that place provided for in Schedule No. 2, main supply canal, and to be paid for within sixty days from delivery.

Our claim as originally presented to the United States (see letter No. 4, hereto attached), was for $1,318.61, which covered 800 kegs of powder at $1,016, freight (paid by Widell-Finley Company) $264; fuses returned to us, $38.61.

Previous to our contract for this powder the Widell-Finley Company contracted with the United States to do this work, as we are advised, for $107,000. (See copy of letter of Mr. R. F. Walter, engineer in charge, of July 17, 1906, marked No. 1.)

These contractors furnished a bond, dated April 26, 1905, for $21,500 (copy of which is attached, marked No. 2). We have not been able to secure copy of the contract. (See copy of letter attached, marked No. 3, dated December 6, 1906, from the Assistant Secretary of the Interior.)

On February 14, 1906, a petition of certain creditors was filed in the District Court of the United States at Mankato, Minn., requesting the appointment of a trustee in bankruptcy of the Widell-Finley Company, which petition was heard, and they were adjudged bankrupts on February 25, 1906, and Henry W. Volk, of Mankato, appointed trustee.

The United States then took charge of the work and took possession of and used 742½ kegs of this powder in prosecuting the work. (See letter of June 19, 1906, of Acting Director of Geological Survey, marked No. 4.)

This work was completed by the Government about September 4, 1907, at a cost in excess of the contract price "in the neighborhood of $65,000." (See copy of letter of Mr. Walter, dated September 4, 1907, and marked No. 5.)

It is impossible to determine what, if any, dividend will be paid in this bankruptcy proceedings, but it is safe to say that such dividend, if any, will be absorbed in paying the claim of the United States against Widell-Finley Company on account of this contract, the United States being a preferred creditor.

We were advised by letter of the Acting Director of the Geological Survey, dated June 19, 1906 (copy of which is attached, marked "No. 4"), that persons supplying material in connection with public works are given a "complete remedy" under the terms of the act of Congress entitled "An act for the protection of persons furnishing material and labor in the construction of public works," passed August 13, 1894, and amended February 24, 1905 (32 U. S. Stat., 811).

In this case, however, a bond for only 20 per cent of the contract price was required, although the contract price was entirely inadequate. (See letter of Mr. Walter dated October 19, 1906, marked "No. 6.")

The liability on the bond will be entirely exhausted by the United States as a preferred creditor under this act.

The fact is that Widell-Finley Company at the time of making our contract was insolvent, and must have known that they could not pay for the powder. We are advised by our attorney that if this fact was then known to them, we could avoid the sale and take possession of the powder as against everyone but the United States.

We were, however, powerless to proceed against the Government as we might against a private individual to recover the powder, as the United States can not be sued, and we, therefore, permitted the Government to use our powder, expecting to receive pay for it when the claim was properly presented.

On December 13, 1906, we filed our claim with the trustee in bankruptcy, believing that the Government would expect that we reduce the claim by any dividends that might be paid.

As no liens for material or labor can be filed on government property or in connection with government work, the statute before referred to was passed as we understand it, and as it appears to be understood by government officials (see letter No. 4), to furnish a name by which such claims may be paid in case of default on the part of the contractor.

It seems to us, therefore, clearly the duty of the United States Government to exact a sufficient bond. This they failed to do, taking a bond, as before mentioned, for only 20 per cent of the contract price, which price was, according to Mr. Walter, "much lower than anyone could do the work." (See letter No. 6.)

The act before mentioned, which, according to its terms, is "for the protection of persons furnishing material and labor in the construction of public work," is, of course, entirely ineffectual if the government officials charged with the duty of securing the bond fail to fix an amount sufficiently large to indemnify material men against all contingencies.

Our position and claim for compensation direct from the Government is that the Government used and had the benefit of our powder, and is as much obligated to pay for it as if it contracted directly with us for it.

We also claim the right for compensation on the additional ground that the Government failed to provide a sufficient bond for the benefit of persons supplying material or labor in connection with this work.

Yours, respectfully,

R. B. WHITACRE & CO.

No. 1.

DEPARTMENT OF THE INTERIOR,
UNITED STATES GEOLOGICAL SURVEY, RECLAMATION SERVICE,
Bellefourche, S. Dak., July 17, 1906.

Mr. A. E. HORN,
Room 914 Pioneer Press Building, St. Paul, Minn.

DEAR SIR: I have your inquiry of July 14, and in answer to the questions therein would state that the amount of contract with the Widell-Finley Company for schedule 2, main supply canal, was $107,000. The amount paid them to date by the Government is $57,800. It is impossible to tell what the finishing of the work is going to cost the Government at this time, as the work will not be completed for about three months, but it is certainly going to cost more than the contract price.

Yours, truly,

R. F. WALTER,
Engineer in Charge.

No. 2.

DEPARTMENT OF THE INTERIOR,
UNITED STATES GEOLOGICAL SURVEY, RECLAMATION SERVICE.

BOND.

Know all men by these presents, that we, The Widell-Finley Company, a corporation duly organized under the laws of the State of Minnesota and doing business in Mankato, county of Blue Earth and State of Minnesota, principal, and Adolph O. Eberhart and Thomas R. Coughlan, of Mankato, county of Blue Earth and State of Minnesota, and William G. Hoerr and Frederick Kron, of Mankato, county of Blue Earth and State of Minnesota, sureties, are held and firmly bound unto the United States of America in the sum of $21,500 lawful money of the United States, for which payment well and truly to be made we bind ourselves, and each of us, our and each of our heirs, executors, administrators, and assigns, for and in the whole, jointly and severally, firmly by these presents.

Sealed with our seals and attested by our signatures at Mankato, Minn., this 26th day of April, in the year of our Lord 1905.

The nature of this obligation is such that if the said The Widell-Finley Company, its successors and assigns, or any of them, shall and do in all things well and truly observe, perform, fulfill, accomplish, and keep, all and singular, the covenants, conditions, and agreements whatsoever which, on the part of the said principal, its successors and assigns, are, or ought to be, observed, performed, fulfilled, accomplished, and kept, comprised, or mentioned in certain articles of agreement bearing date the 26th day of April, 1905, between the said principal and E. A. Hitchcock, Secretary of the Interior, concerning the construction and completion of the work provided in schedule 2, main supply canal, Bellefourche project, South Dakota, according to the true intent and meaning of said articles of agreement, and shall promptly make payment to all persons supplying labor and materials for the prosecution of the work provided for, then the above obligation to be void; otherwise to remain in full force and virtue.

In testimony whereof the said principal and sureties have hereunto subscribed their hands and affixed their seals the day and year first above written.

Signed, sealed, and delivered in the presence of—

THE WIDELL-FINLEY COMPANY.

No. 3.

DEPARTMENT OF THE INTERIOR,
Washington, December 6, 1906.

Messrs. R. B. WHITACRE & Co.,
St. Paul, Minn.

SIRS: Referring to your request of the 13th ultimo for a certified copy of the contract and bond of the Widell-Finley Company for the

construction of schedule 2, main supply canal, Bellefourche project, South Dakota, you are advised that under the act of February 24, 1905 (33 Stat., 811), a certified copy of said contract and bond can be furnished only after the expiration of six months from the completion and final settlement of the contract, and then only in case suit on the bond shall not have been instituted by the United States.

For your further information herein I inclose copy of a letter of the 28th ultimo from the Acting Director of the Geological Survey reporting upon your request.

Very respectfully,

THOS. RYAN,
First Assistant Secretary.

EXHIBIT B.

No. 4.

DEPARTMENT OF THE INTERIOR,
UNITED STATES GEOLOGICAL SURVEY,
Washington, D. C., June 19, 1906.

Hon. F. C. STEVENS,
House of Representatives.

SIR: Replying further to your letter of May 16, 1906, regarding the claim of R. B. Whitacre & Co., of St. Paul, Minn., for $1,318.61, representing the value of 800 kegs of blasting powder furnished by that company to the Widell-Finley Company for their use in connection with the contract of the latter company on the Bellefourche project, South Dakota, I have to advise you that a statement has just been received from the engineer in charge of the project in regard to the matter.

The contract of the Widell-Finley Company provides that if for any reason the contractors fail to prosecute the work as required under the specifications, the Secretary of the Interior may suspend the contract and take possession of the machinery, material, and animals on the ground, completing the work at the expense of the contractor. The Widell-Finley Company failed to proceed with their work in accordance with the specifications, and the contract was therefore suspended by the Secretary of the Interior, all materials on the ground being taken possession of and used by the Government in the prosecution of the work. Among the material thus taken and used was a quantity of powder, amounting to 742½ kegs.

The engineer states that he does not know by whom this powder was furnished the contractors, or whether any of it was furnished by your correspondents. The protection of the interests of the Government makes it impossible for the United States to make direct payment of claims of the nature presented by Messrs. Whitacre & Co. Persons or companies supplying material or labor for use in connection with the construction of public works are given a complete remedy under the terms of the act of August 30, 1894, as amended by the act of February 24, 1905. (32 Stat., 811.)

Very truly, yours,

H. C. RIZER, *Acting Director.*

No. 5.

DEPARTMENT OF THE INTERIOR,
UNITED STATES RECLAMATION SERVICE,
Bellefourche, S. Dak., September 4, 1907.

Mr. A. E. HORN,
Pioneer Press Building, St. Paul, Minn.

DEAR SIR: I have to advise that the work on the Widell-Finley job has been completed by the Government; that the cost of the work in excess of the contract price is in the neighborhood of $65,000. An exact statement of money spent and money due them on the contract and amount due the Government from the Widell-Finley Company is being prepared and will be submitted to the proper authorities within a very short time.

Yours, very truly,

R. F. WALTER,
Engineer in Charge.

No. 6.

DEPARTMENT OF THE INTERIOR,
UNITED STATES RECLAMATION SERVICE,
Bellefourche, S. Dak., October 19, 1906.

A. E. HORN,
Attorney at Law, 91½ Pioneer Press Building, St. Paul, Minn.

DEAR SIR: I have your letter of October 11, inquiring as to the Widell-Finley Company contract on the Bellefourche project, and in reply will state that the work is being carried on by force account by the Government, but on account of the scarcity of labor it has not been completed as soon as we expected. It probably will not be completed before next spring. The scarcity of labor has increased the cost of this a great deal, and as the Widell-Finley Company had a very low price bid, in fact much lower than anyone could do the work, it is very probable that the extra cost will be more than the bond, although the exact figures can not be given until the work is completed.

Very truly, yours,

R. F. WALTER,
Engineer in Charge.

STATE OF MINNESOTA, *County of Blue Earth, ss:*

Gustaf Widell, being duly sworn, deposes and says: That he was a member of the company known as the Widell-Finley Company, which entered into a contract on the 26th day of April, 1905, with E. A. Hitchcock, Secretary of the Interior, concerning the construction of main supply canal, Bellefourche project, South Dakota, the same being an irrigation project; that he has read the annexed letter (marked Exhibit A) bearing date November 25, 1907, addressed to Hon F. H. Newell, Chief of Bureau of Reclamation, signed by R. B. Whitacre & Co., but does not confirm its allegation as to knowledge of insolvency; that he has also read the annexed letter (marked Exhibit B) signed by H. C. Rizer, acting director, and addressed to Hon. F. C. Stevens, dated June 19, 1906; that said Whitacre & Co. furnished the powder to be used on said work, as set forth in said letter (Exhibit A), and that the powder referred to in said letter (Exhibit B) as taken and used by the Government to the amount of seven hundred forty-two and one-half (742½) kegs was a part of the powder furnished by said Whitacre & Co., to deponent's knowledge.

GUSTAF WIDELL.

Subscribed and sworn to before me this 23d day of November, 1908.
[SEAL.] A. C. EBERHART,
Notary Public, Blue Earth County, Minn.
My commission expires November 1, 1914.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SALE OF PUBLIC LANDS.

The bill (S. 556) to amend an act entitled "An act to amend an act entitled 'An act to amend section 2455 of the Revised Statutes of the United States,' approved February 26, 1895," approved June 27, 1906, was considered as in Committee of the Whole. It proposes to amend the act so as to read as follows:

That it shall be lawful for the Commissioner of the General Land Office to order into market and sell, at public auction at the land office of the district in which the land is situated, for not less than $1.25 per acre, any isolated or disconnected tract or parcel of the public domain less than one-quarter section which, in his judgment, it would be proper to expose for sale after at least thirty days' notice by the land officers of the district in which such land may be situated: *Provided*, That this act shall not defeat any vested right which has already attached under any pending entry or location.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ODD FELLOWS' CEMETERY AT CENTRAL CITY, COLO.

The bill (S. 1197) setting apart a tract of land to be used as a cemetery by the Independent Order of Odd Fellows of Central City, Colo., was considered as in Committee of the Whole. It authorizes the Secretary of the Interior to set apart, from and out of the mineral lands in Eureka mining district, Gilpin County, Colo. (such lands having been heretofore returned to the land office at Central City as mineral lands), a tract of land not exceeding 7 acres in extent, therein described, to be used by the Independent Order of Odd Fellows of Central City, Colo., as a cemetery.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PAROLE OF UNITED STATES PRISONERS.

The bill (S. 4027) to parole United States prisoners, and for other purposes, was considered as in Committee of the Whole.

The bill had been reported from the Committee on the Judiciary with amendments. The first amendment was, in section 1, page 1, line 7, after the word "day," to strike out "other than for life, except as hereinafter mentioned;" and after the word "than," at the end of line 10, strike out "six months" and insert "one year," so as to make the section read:

That every prisoner who has been, is now, or may hereafter be convicted of any offense against the law or laws of the United States and is confined in execution of the judgment of such conviction in any United States penitentiary, prison, or jail for a definite term of over one year and one day, whose record of conduct shows he has observed the rules of such institution and has been confined in same for a period not less than one year, may be released on parole as hereinafter provided.

The amendment was agreed to.

The next amendment was, in section 2, page 2, line 2, after the words "with the," to strike out "chief clerk, chaplain, and;" in line 3, before the word "general," to insert the article "a;" in line 6, after the word "clerk," to insert "of such prison;" in line 9, after the word "necessary," to strike out the following proviso:

Provided, That the first meeting shall occur within thirty days after this act becomes operative, and that not more than ninety days shall elapse between the convening days of any two meetings of said board, and that at each meeting they shall act on all such cases that, under the provisions of this act, are entitled to a hearing at such time, and each and every prisoner confined in said prison, and who is within the requirements and meaning of this act, shall be entitled to and permitted to appear before said board at such meetings and apply in person for his release on parole.

And in lieu thereof to insert—

Provided, That in every case where a prison or jail other than a United States penitentiary is used for the confinement of such prisoners it shall be the duty of the Attorney-General to designate the officers of said prison who, together with the general agent of the Department of Justice at Washington, shall constitute such board for said prison.

So as to make the section read:

SEC. 2. That the warden of each United States penitentiary, with the physician of such prison, together with a general agent of the Department of Justice at Washington, D. C., shall constitute a board of parole for such prison, and the warden shall be president and the chief clerk of such prison shall be clerk of said board of parole, and the meetings shall be held at each prison as often as the warden of such prison shall deem necessary: *Provided*, That in every case where a prison or jail other than a United States penitentiary is used for the confinement of such prisoners it shall be the duty of the Attorney-General to designate the officers of said prison who, together with the general agent of the Department of Justice at Washington, shall constitute such board for said prison.

The amendment was agreed to.

The next amendment was, in section 3, page 3, line 3, after the word "parole," to strike out "as hereinbefore provided;" in line 6, after the word "parole," to strike out "shall" and

insert "may, in its discretion;" in line 7, before the word "after," to strike out "and;" in line 9, after the words "sum of," to strike out "twenty-five" and insert "one hundred;" in line 13, after the word "conditions," to insert "including personal reports from such paroled person;" and in line 20, after the word "thereto," to insert "the said board shall in any parole granted fix the limits of the residence of the person paroled, which limits may thereafter be changed, enlarged, or limited as in the discretion of the board shall be deemed advisable: *Provided*, That no release on parole shall become operative until the findings of the board of parole under the terms hereof shall have been approved by the Attorney-General of the United States," so as to make the section read:

SEC. 3. That if it shall appear to said board of parole from a report by the proper officers of such prison or upon application by a prisoner for release on parole that there is a reasonable probability that such applicant will live and remain at liberty without violating the laws, then said board of parole may, in its discretion, authorize the release of such applicant on parole, after he has executed a good and sufficient bond in the sum of $100, said bond to become forfeit only in event of such applicant violating the articles of his parole; and he shall be allowed to go on parole outside of said prison walls and inclosure, returning to his former home if he desire, but upon such terms and conditions, including personal reports from such paroled person, as said board of parole shall prescribe, and to remain, while so on parole, in the legal custody and under the control of the warden of such prison from which paroled and until the expiration of the term specified in his sentence, less good time allowed as is or may hereafter be provided for by act of Congress in relation thereto; the said board shall in any parole granted fix the limits of the residence of the person paroled, which limits may thereafter be changed, enlarged, or limited as in the discretion of the board shall be deemed advisable: *Provided*, That no release on parole shall become operative until the findings of the board of parole under the terms hereof shall have been approved by the Attorney-General of the United States.

The amendment was agreed to.

The next amendment was, in section 4, page 4, line 7, after the word "warden," to strike out "or said board or any member thereof," so as to make the section read:

SEC. 4. That if the warden of the prison or penitentiary from which said prisoner was paroled or said board of parole or any member thereof shall have reliable information that the prisoner so on parole has violated his parole and has lapsed into criminal ways, then said warden may issue his warrant for the retaking of such prisoner at any time prior to the period for which said prisoner might have been confined within the prison walls upon his sentence, less good time as is or may hereafter be provided for by act of Congress, which unexpired time shall be specified in said warrant.

The amendment was agreed to.

The next amendment was, in section 5, page 5, line 5, before the word "fund," to insert the article "the," so as to make the section read:

SEC. 5. That any officer of said prison or any federal officer authorized to serve criminal process within the United States, to whom such warrant shall be delivered, is authorized and required to execute such warrant by taking such prisoner and returning him to said prison within the time specified in said warrant therefor. Such officer, other than an officer of the prison, shall be entitled to receive the same fees therefor as upon the execution of a warrant of arrest at the place where said prisoner shall be taken as for transporting a convict from the place of arrest to the prison, such fees of the officer, other than a prison officer, and the expense of a prison officer in executing such warrant shall be paid by the warden and clerk of the prison out of the money received as proceeds from forfeiture of bonds as hereinbefore provided, if sufficient therefor, and otherwise out of the funds of the prison, while any surplus remaining from forfeiture of such bond shall be returned to the fund at such prison or use in other like cases.

The amendment was agreed to.

The next amendment was, on page 5, after line 20, to strike out section 7, as follows:

SEC. 7. Life sentences, sentences of one hundred years, ninety-nine years, and all sentences for a period of more than twenty years, heretofore or hereinafter imposed on any person shall be construed and shall mean twenty years' imprisonment, which shall be the maximum sentence of imprisonment, the minimum sentence of which term of imprisonment shall be the same, less good time allowance, as is, or may hereafter be, provided by act of Congress; and said prisoners shall in all cases be entitled to the minimum sentence, except they forfeit a portion or the whole of said good time by misbehavior, of which a record shall be kept, the cause of the forfeiture and the good time forfeited by such misbehavior.

The amendment was agreed to.

The next amendment was, on page 6, after line 14, to strike out section 9, as follows:

SEC. 9. That whereas an emergency exists for the taking effect of this act at as early a date as information of its provisions can be made known, it is declared that the same shall be in force and effect from and after thirty days after its passage, and it shall be the duty of the Attorney-General to transmit a true copy of this act to the proper authorities within fifteen days of the passage of the same.

The amendment was agreed to.

Mr. HALE. This bill, Mr. President, is one of very great importance as affecting the result of the criminal jurisprudence of the United States. So far as my knowledge goes of legislation of this kind in this country, it is a novelty. I should be glad to have the chairman of the committee reporting this bill to the Senate give the Senate some information as to the extent of the investigation that that committee made into this subject, the precedents, if there are precedents for such a statute, in order that the Senate—and I can speak for myself as needing information on this subject—may be informed.

Take the first section of the bill—

That every prisoner who has been, is now—

It relates not only to future trials, but to present and past ones as well—

That every prisoner who has been, is now, or may hereafter be convicted of any offense against the law or laws of the United States and is confined in execution of the judgment of such conviction in any United States penitentiary, prison, or jail for a definite term of over one year and one day, whose record of conduct shows he has observed the rules of such institution—

All these, to me revolutionary, provisions as to shortening sentence and the release of prisoners are made to depend upon the prisoner observing the rules of the prison.

Mr. BACON. If the Senator will pardon me——

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Georgia?

Mr. HALE. Certainly.

Mr. BACON. I would suggest that that is to be read in connection with the first part of the third section, on the third page. If the Senator will read that in connection with the portion he has just quoted——

Mr. HALE. I have read that.

Mr. BACON (continuing). He will see that a good deal more is required than observance of the rules.

Mr. HALE. Yes; but that is the foundation. The bill continues:

May be released on parole as hereinafter provided.

I do not know but that it is better, after deliberate and solemn trial in the courts and the imposition of adequate and, it is to be presumed, not too severe punishment by the judge holding the court, who has a knowledge of all the facts and all the circumstances and all the guilt—I do not know but that it is good legislation to interfere with all that and to provide easy ways for the convicts to be entitled first to partial parole; but later in the bill I see provisions allowing complete deliverance from imprisonment and the visiting of homes and families, all upon the discretion and adjudication of narrow, quasi tribunals that are created by the bill to consider a question which has been passed upon by impartial juries and judges. Courts made up of jailors and doctors and minor officials will always have——

Mr. BACON. If the Senator will pardon me again——

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Georgia?

Mr. HALE. Certainly.

Mr. BACON. I will ask that he read in connection with that particular part upon which he is now commenting the proviso that no finding of this board can be carried into execution without the approval of the Attorney-General.

Mr. HALE. That does not meet my objection; in fact, that is of itself objectionable in conferring upon the Attorney-General a function which should not be placed upon him. The Attorney-General does not try these cases. They are all tried by subordinates. They are passed upon by judges and by juries, and I would not have the Attorney-General burdened with this most onerous new duty that will be imposed upon him.

If this bill passes, Mr. President, the cases that will arise under it will not be numbered by dozens or scores, but by hundreds, and the prisons, the places to which prisoners and convicts are consigned by the law, will naturally and inevitably be the scene of constant efforts to reduce or substantially destroy the punishment that has been imposed by the highest authority.

I have had no time to scrutinize in detail all the provisions of this bill, but I have read it once hurriedly, and I am apprehensive, Mr. President, of great trouble and mischief resulting from the passage of an act of the grave importance of this bill, particularly when the Senate is not full, and will not be full, to-day, and perhaps not to-morrow. I shall be very glad to hear from the chairman of the committee as to some of the considerations that moved that great and conservative committee which has had in charge the investigation of this subject.

Mr. CLARK of Wyoming. Mr. President, I will say for the benefit of the Senator from Maine that the Committee on the Judiciary did not act hurriedly upon this matter. It is a subject which it has had under consideration for more than a year. Neither is it a new departure in the line of reformation or punishment of criminals. The bill, so far as the Government of the United States is concerned, seemed to be called for because of the peculiar condition in the various penitentiaries in which the government prisoners are confined. So far is it from being a new departure that nearly all—I will not say "nearly

all," but a majority—of the States in the Union have seen fit to place upon their statute books parole laws, nearly all of them much more liberal than that proposed by the bill now under consideration. I have here a list of some of the States, which I hurriedly took from my desk when informed that the bill was under consideration in the Senate—Kansas, New Jersey, California, Connecticut, Michigan, Minnesota, New Hampshire, New York, Vermont, Ohio, Iowa, Georgia, Colorado, Idaho, Nevada, Tennessee, Arizona, West Virginia, Massachusetts, Virginia. The roll is quite an extensive one of the States that have adopted laws similar to the one which is now proposed.

The attention of the committee was first called to this by a situation that occurred in Ohio—I have forgotten in which district, but I think in the northern district of Ohio—in which a United States prisoner was sentenced to one of their state reformatory institutions. He asked to be paroled under the operation of the state law and under the law which says that he shall be confined there according to the rules and regulations of that prison. The matter came before the United States district judge, who decided in favor of the prisoner. The United States, however, took no occasion to question that decision any further. The Department of Justice at Washington holds—and consistently has held—that, so far as United States prisons are concerned, the rules and regulations relating to the confinement do not apply to parole.

There are those upon this floor who have been governors of States where the parole system has been in operation and where it has given very great satisfaction.

Mr. HALE. Let me ask the Senator a question.

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Maine?

Mr. CLARK of Wyoming. I do.

Mr. HALE. We have in Maine legislation that mitigates the severity of sentence by a small percentage, dependent upon the good behavior of the prisoner. That law is said to have worked satisfactorily. But it does not take the convict on the say so of any parole board from the prison at any time after six months or a year or whatever time may be fixed in limitation and set him loose. I wish the Senator would tell me whether he has the record of any State that has a provision like this:

SEC. 3. That if it shall appear to said board of parole from a report by the proper officers of such prison or upon application by a prisoner for release on parole, that there is a reasonable probability that such applicant will live and remain at liberty without violating the laws—

A prisoner may be confined for the gravest and perhaps the most infamous of crimes, but if a board shall decide, notwithstanding he may be a hardened criminal, one who has served many terms, that he—

will live and remain at liberty without violating the laws, then said board of parole may, in its discretion, authorize the release of such applicant on parole—

Remove him from prison, and—

after he has executed a good and sufficient bond in the sum of $100.

Any bond. One hundred dollars is of no account. It is not a deterrent.

Mr. CLARK of Wyoming. The Senator will surely understand the reason for that bond. He is certainly not arguing that question seriously.

Mr. HALE. No; I do not think that bond is of any importance.

Mr. CLARK of Wyoming. The occasion of the bond is simply to reimburse the expenses incurred by the Government——

Mr. HALE. Yes.

Mr. CLARK of Wyoming (continuing). In conveying the prisoner back to the prison. I hope the Senator will not give that consideration.

Mr. HALE. I do not believe that the taking of a bond will transform into a good citizen a hardened prisoner who has been sentenced by the courts.

Mr. CLARK of Wyoming. The Senator does not mean to use that as argument against this bill?

Mr. HALE. I think it is of very small importance.

Mr. CLARK of Wyoming. The bond is not intended for that, as the Senator well knows.

Mr. HALE. I do not consider it of any importance.

Mr. CLARK of Wyoming. No.

Mr. HALE. The bill provides:

Said bond to become forfeit only in event of such applicant violating the articles of his parole; and he shall be allowed to go on parole outside of said prison walls and inclosure, returning to his former home if he desire, but upon such terms and conditions, including personal reports from such paroled person, as said board of parole shall prescribe.

Now, I suppose I am old fashioned and too conservative, but a bill that takes the entire body of criminals, who have been convicted in United States courts, and on the say so and the importunity of a small board releases and allows convicts to be let loose upon the community, upon the belief that they will become good citizens, is to me the greatest of innovations and a very dangerous proceeding. I certainly can not vote for any such bill.

Mr. CLARK of Wyoming. The Senator asked me whether I could cite him to any State that had similar provisions. I can not off-hand give the exact provisions of any of the statutes of the States, but it is a safe proposition that all of the States which have passed parole laws have provisions similar to these, because if a parole law is to be passed at all, the parole power must be given to somebody. So far as I know, this measure guards it more strictly than the general state laws guard it, because after the board has acted (and one member of the board is an agent of the Department of Justice of the Government of the United States) the parole does not become operative until the findings have been approved by the Attorney-General of the United States.

Now, to my notion the parole law is simply a modification of the pardon law. There are cases where the President may not want to pardon a man absolutely, where the circumstances of the case and the man's character as it may have developed under punishment or reformation may be such that he would be glad to give him an opportunity to prove that he will be a good citizen. If, when under parole, he passes the surveillance of the Government, within such limits and areas as the board may see fit to impose, he is not molested. If he shows signs of relapsing into evil ways the law again takes control of him.

I can see nothing startling in it. I can see nothing in it that should shock the most conservative; and I think I am as conservative as is the Senator from Maine. But I do believe that we ought not to write over the doors of our reformatories, "He who enters here leaves all hope behind." Wherever such parole laws have been passed in the different States there is no desire to repeal them.

Mr. HALE. My impression is, although I do not set it against the knowledge of the committee—and the chairman says he can not state the experience under the parole laws—that it will be found that there are not many, or any, so complete nullifications of the results of criminal jurisprudence as are found in this bill. I should doubt whether it is good legislation and good policy to extend to convicts and criminals, because the Senator himself must bear in mind and his committee must bear in mind that the crucible through which the Government passes in order to get convictions is of itself of the severest kind. The presumption of innocence is always in favor of the accused. He is not sent to prison at all until that is overcome. The law's delays are all in favor of the accused, and when you have the final result of such trials as we have in this country under our legislation and in our tribunals, Mr. President, you have a class of criminals sent to prison who should not lightly, upon the say so of minor, irresponsible boards, be taken from prison and let loose on the community. The more I think of it the stronger is my objection to the whole proceeding.

Mr. CLARK of Wyoming. I am glad the Senator has at last finally convinced himself, but my impression is that his argument is directed quite as largely and strongly against the pardoning power as it is against the parole bill. In other words, Mr. President, that after a man has once been condemned by a court, that is an end finally to all his hope of restoration to liberty until the expiration of his sentence.

But the Senator wants to know how this system operates. We have as members of that committee Senators who have been governors of great States, where laws of this sort have been in operation, and there are in the Senate others, not members of the committee, who have been governors of States where such a law is in operation. I can say to the Senator that the members of the Senate who have most interested themselves in this bill are those members who have been governors of great States where they have seen such a law in operation, where they have seen its good working for the State, where they have seen its reformatory power upon the prisoner, where they have seen men go out through the portals of the penitentiary and become good and valuable citizens of the Commonwealth.

I should be glad to have the Senator from Minnesota [Mr. NELSON] and the Senator from Alabama [Mr. JOHNSON] express their opinion upon the pending bill.

Mr. NELSON. Mr. President, there is no such novelty or innovation in this proposition as the Senator from Maine [Mr. HALE] seems to indicate. Great Britain years ago, before we ever adopted such a system, adopted it in its criminal jurisprudence. You are all familiar with what they call a "ticket-of-leave" man. They would send their criminals to distant is-

lands—Van Diemen's Land (Tasmania), and other places in the South Pacific—for a definite time, and then they would give them tickets of leave, put them on their good behavior, and in most instances they turned out to be good, faithful, and industrious citizens. Now, years ago——

Mr. HALE rose.

Mr. NELSON. I wish the Senator would listen to me until I get through with my main statement. Then I will answer him.

Mr. HALE. I will wait until the Senator gets through.

Mr. NELSON. I had occasion when I was governor of Minnesota to study this system. We have the parole system there, and I took special pains to examine its workings and ascertain how it operated. We have there a state prison board, consisting at this time, I think, of seven or nine members. After a convict has been in prison for a year, if his record in prison has been good, his case can be brought before the state prison board. If they see fit, or think it is a worthy case, they can let the prisoner out on parole.

Mr. CLAY. Will the Senator let me ask him a question right here?

Mr. NELSON. Certainly.

Mr. CLAY. Suppose a man has been sent up for life, having been guilty of willful murder——

Mr. NELSON. I was coming to such a case.

Mr. CLAY. Just one minute; and he has served one year. Does the Senator think we could afford to release on parole a prisoner who has served only one year and who had been guilty of the offense of murder, simply because his conduct in prison had been proper?

Mr. NELSON. If the Senator had listened to me until I got through with my explanation, I was about to say that our parole law in Minnesota does not apply to life convicts.

Mr. HALE. Take a case of deliberate forgery or of some crime attended with the greatest violence, not murder. Does not the same reason and the same objection that evidently lie in the mind of the Senator from Georgia apply to a case of that kind?

Mr. NELSON. Not at all. There are two views you can take of this matter. If the conviction of a criminal and the sending of him to prison are solely in the nature of punishment—in the nature of revenge, you may say—to make him sweat for his wrong, then of course there is some force in the argument. But the modern idea of criminal legislation is that we impose punishment upon criminals and convicts for the purpose of reforming them and ultimately making them better citizens. If you adhere to the old system, simply that the conviction of a criminal and the sentencing of him to prison is a mere matter of punishment and nothing else, then the doctrine of the Senator from Maine would apply. But if the object of such legislation and of such punishment is to reform the criminal and ultimately to make him a worthy citizen, so that he can earn his own living and not become a burden to society, then I submit that the parole system is justified.

Instead of going into an argument upon the elementary principles of this subject, I was about to explain briefly how it works in the State of Minnesota. In the state prison they had three classes of convicts—first, second, and third class. When a convict came there he was put into the second class immediately; and if in the course of a year or a greater time his behavior was good and exemplary, he was promoted to the first class—the higher class. Then the state-prison board would take his case and consider it; and if upon the facts of the case they thought it was just and proper to let that man out on parole, they would let him out on parole.

Mr. HALE. No matter what his offense may have been?

Mr. NELSON. It did not apply, as I said, to life convicts. I said aside from murder.

Mr. HALE. Outside of that, no matter how great the offense?

Mr. NELSON. In any case.

Mr. HALE. No matter how destructive his offense may have been to the peace of the community?

Mr. NELSON. In any case except where a man was sent to the penitentiary for life.

Mr. HALE. That is, the question which should decide whether or not the punishment should be continued was not the character of the criminal or the nature of the offense, but the fact that he had behaved himself for a year.

Mr. NELSON. Not at all. That was one of the elements. The board considered the record of the prisoner in the state prison; how he had acted and behaved; and in addition to that, the nature of the offense. The whole record was considered by the board. It was discretionary with the board.

Mr. HALE. They could act upon any offense?

Mr. NELSON. They had the jurisdiction to act upon any offense. The board, after a thorough and complete investigation, if they concluded it was a proper case to admit a man to parole, would grant a parole. The condition of the parole in Minnesota was that the man must enter into some useful employment, where he could earn his living, and he must report every month to the state prison board where he was, what he was doing, and what work he was doing, so that they could know exactly whether or not he was complying with the conditions of his parole. The moment he broke his parole in any shape or manner they would rearrest him and bring him back to prison, and he would be compelled to serve out the whole of his term.

Mr. HALE. What was the practical operation of that?

Mr. NELSON. The practical operation of that was that only in a very few isolated cases—they were so few, indeed, that it was an anomaly—did they ever have occasion to take a convict back.

Mr. HALE. They were practically set loose for life?

Mr. NELSON. They were practically set loose for life; and the result shows that they became good, useful, self-sustaining citizens and not a burden to society.

There was one reason in our State at that time—they have since modified the law—why they did not include life convicts, and that was on account of the Younger brothers, who had made an assault upon and killed a banker. On account of that the legislature for years was loath to include life convicts. They have since included them in the law, so that the board can grant paroles——

Mr. HALE. To persons convicted of capital crime?

Mr. NELSON. Yes; to any prisoner.

Mr. HALE. Parole a murderer?

Mr. NELSON. Parole a murderer.

The parole differs from the pardon system on the commutation of sentence in this: When the pardon power exercises its function it is absolute, it is final. If the President or the governor of a State sees fit to commute a sentence—and they often do—or to grant an absolute pardon, that is the end of it, whether the man pardoned or whose sentence is commuted turns out good or bad. But under the parole system it is entirely different. If a man does not behave, if he does not remain a good citizen, if he does not engage in some useful employment, so as not to be a burden to society, he is sent back to serve out his time; and in that respect I think it works far better than the system of the pardoning power.

We all know—and we need not disguise the fact—that criminals of high social standing, wealthy criminals who have powerful and strong friends, can appeal to the pardoning power. In many instances—and I have noticed it in years past—how easy it is for them to get at all events a commutation and a reduction of sentence. But the poor, ordinary convict, the common criminal, the ordinary thief, if you please, has no friends at court, and nobody can give him a show in that direction, and unless you have a law like this, he is in all cases obliged to serve out his term.

Mr. HALE. I do not think the Senator on reflection will say that because a convict has wealthy friends it is a frequent occurrence that they make themselves so powerful that executive clemency comes in and frees those men.

The instances of that kind, Mr. President, are very rare. It is not true that great criminals are often released by pardon because they have at their control money and means of prosecuting their applications. The number of pardons and the number of commutations of sentences by the Executive in the Federal Government and in the state governments, so far as I know, are very small relatively to the number of convictions. I do not think the Senator wants to go on record as saying that the reason for this paroling generally of criminals is because rich criminals can easily get out. I do not think so.

Mr. NELSON. I think wealthy criminals or criminals who have a high social standing and what you may call "friends at court" have a much greater opportunity. I have noticed in recent years as to a large number or a considerable number of men who have been convicted of wrecking banks in one form or another, and where the court has given them a pretty large sentence, how easy it has been to get a commutation of sentence and a reduction of time.

Mr. HALE. Not many.

Mr. NELSON. Oh, a great many; and to my mind the worst criminal is the man who, holding a position of trust, wrecks a bank. I despise and condemn him more utterly than I do the ordinary thief who picks my pocket, because the latter is not in charge of a trust or a duty as is a bank wrecker.

Mr. HALE. I agree with the Senator, but I do not believe that that man ought to be let out on parole.

Mr. NELSON. It is safer to leave it with a board of this kind than it is with a single individual. The prison board or

whatever board has charge of the matter can consider the record. The man has been, as it were, on trial in prison. He has been there for a given period, and they know something about what is the probability of his becoming a reformed man, what is the likelihood of his turning a new leaf. They are better able to determine it than is the President, in the first instance, when the application is made to him. After they have passed upon the case they say to the man practically, by the parole, "We will let you go out. We will let you try to be an honest man and earn your living, and if you make a success of it you shall not serve out your time. If you fail, if you do not become a good citizen, if you are not faithful and do not earn your own living, then we will take you back to serve the balance of your time."

I have here a letter from a poor convict. I do not know the man. He is a federal convict in a state prison in California.

Mr. CLAY. Will the Senator permit me to ask him a question?

Mr. NELSON. Certainly.

Mr. CLAY. I may say to the Senator that I am not hostile to parole legislation, but here is a question that troubles me about the bill: It provides that after a prisoner has served one year and one day, regardless of the offense that he has committed, he may be paroled. Take a man convicted as a bank wrecker and sentenced to the penitentiary for fifteen years. He has committed a very serious offense against society. Under the provisions of this bill he can serve one year and one day and be paroled. You place him on the same footing that you place the ordinary mail clerk who commits an offense and is sent up for two years. He can be paroled at the expiration of one year and one day, and the bank wrecker can likewise be paroled. Should not the parole be fixed in proportion to the offense committed? In other words, if a man has been sentenced to the penitentiary for fifteen or twenty or twenty-five years, where great moral turpitude is involved, should he not be required to serve more than a year before he is paroled?

Mr. NELSON. In practice, that rule is applied by the board. The board simply have the discretion, after a man has served a year, to act; they are given jurisdiction of the case; but, as a matter of practice—that was my experience with our system—they always took into account the crime a man had committed, its character, and also the term for which he had been sentenced to prison. It was not a rule to parole at the end of a year, but they simply had that power. In the case of an ordinary criminal, sent up for two years or so, they might parole at the end of a year. If prisoners had been sentenced for many years, for long terms, having been guilty of serious crimes, they would not parole them.

Mr. HALE. But the discretion was left with the board?

Mr. NELSON. Certainly.

Mr. HALE. They could do it?

Mr. NELSON. Certainly. They had the power. To illustrate the discrimination which exists between state convicts and federal convicts—and I noticed that particularly in our State, because we had a number of federal convicts sent up from the Indian Territory for stealing horses, etc.—I will read a letter I have this morning received from a poor convict in the state prison in California. This is his letter:

SAN QUENTIN, CAL., *December 30, 1908.*

Hon. KNUTE NELSON.

DEAR SIR: On December 19, 1908, of the Sixtieth Congress, second session, bill S. 4027 was reported on, with amendments, by the Judiciary Committee.

This bill appertains to the paroling of federal prisoners, and no doubt will be presented during the coming session of the Senate. I am a federal prisoner in the California state prison, and see men paroled every month by the board of prison directors.

The state convicts there, with whom the federal convicts mix, are paroled from day to day, while the federal convicts in that prison are utterly without hope.

Mr. HALE. Mr. President——

Mr. NELSON. Will the Senator allow me to finish the letter?

Mr. HALE. Will the Senator kindly read that sentence again? My attention was diverted.

Mr. NELSON. He says:

I am a federal prisoner in the California state prison, and see men paroled every month by the board of prison directors.

Mr. HALE. I wanted to get at that. It shows it is going on all the time.

Mr. NELSON. That is in the state prison in California.

Mr. HALE. They are being paroled all the time.

Mr. NELSON. From time to time, but it is a limited number when compared with the whole number of convicts.

Do you not think federal prisoners should have equal rights to parole? The fact that one made a false step in no sense indicates that a career of crime will follow. By the passage of this bill many men will be given an opportunity to start life anew and win the respect of their fellow-citizens. Will you give the merits of the bill your consideration and support?

Respectfully, yours, RAPHEAL CARUSO, *22539.*

Mr. CULLOM. Does the Senator know for what offense he is in prison?

Mr. NELSON. I do not know anything about it. I just got the letter by mail this morning.

Mr. CARTER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from Montana?

Mr. NELSON. Certainly.

Mr. CARTER. The letter causes me to ask a question. Does the Senator think the bill should apply to criminals who have been twice convicted for separate felonies, and would it not be applicable thus without amendment?

Mr. NELSON. It has been done under our parole system.

Mr. CARTER. I assume it would be wise to amend the bill so as to make it quite clear that its provisions would not apply to a person convicted more than once.

Mr. CULLOM. In any court?

Mr. CARTER. In any court, federal or state.

Mr. NELSON. This was the rule in our State. I did not go into all the details of it, because I entered into the discussion unexpectedly. If a man were sent to prison for a second or third time—and there were such cases—he did not get any benefit of the parole law. It was applied only to those who were sent there on the first conviction. Then we have in addition to that in our State, which is now a very useful aid in the parole law, a state agent whose business it was in a case where the board was contemplating letting a convict out on parale to find him a place where he could get employment and work and earn wages; and they never would parole a man in our State unless he had a place of employment. He must either find the place himself or get it through this state agent. He must find some man or some company in the State ready to give him permanent employment, and only in those cases could he get a parole.

I want to say to the Senator from Maine that whatever technical objections may be made, yet after all in these matters the best test of this matter is the test we get from practical experience. When I came into the office I was somewhat prejudiced against the system, and yet the more I saw of it and saw of its benefits and how well it worked, the more and more I became convinced that it was a just and proper system. I see my friend here, the former governor of California [Mr. PERKINS], one of my colleagues on this floor; I see before me the Senator from Alabama [Mr. JOHNSTON], who has been governor of that State. I think all Senators who have had occasion to watch and be cognizant of the experience under the parole laws will say that they have worked well and wholesomely, for the good of the State and for the good of the convicts and for the good of society. We are simply inaugurating here in respect to federal business what a large number of the States have already adopted. I do not think that our own great Government of the United States ought to be in the rear in this great column of reform. I think we ought to recognize in our penal legislation and the punishment of criminals some of the modern principles that obtain, and that the great object of punishment is to reform people and make them better citizens.

Mr. BACON. If the Senator will permit me to interrupt him, and if I am correctly informed, there are 34 States which have adopted a law of this character, and among them the State of Maine.

Mr. HALE. No; not of this character.

Mr. CLARK of Wyoming. Mr. President——

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from Wyoming?

Mr. NELSON. I yield.

Mr. CLARK of Wyoming. In response to the inquiry of the Senator from Georgia as to the State of Maine, I will state that the State of Maine has a parole law in fact. The governor of the State of Maine can issue a pardon with such conditions as he sees fit, which is absolutely a parole law, but it is surrounded by none of the safeguards which are included in the present measure.

Mr. HALE. That is entirely different.

Mr. CLARK of Wyoming. And that includes every crime except only where the party has been impeached.

Mr. HALE. That is essentially different from a proposition which takes it away from the governor, who has the responsibility and who has hearings upon every case. That is entirely a different thing from setting up a minor board, a transitory board, and allowing it the discretion to relieve the convict from his punishment. It is a thing that in Maine is not going on as

lands—Van Diemen's Land (Tasmania), and other places in the South Pacific—for a definite time, and then they would give them tickets of leave, put them on their good behavior, and in most instances they turned out to be good, faithful, and industrious citizens. Now, years ago——

Mr. HALE rose.

Mr. NELSON. I wish the Senator would listen to me until I get through with my main statement. Then I will answer him.

Mr. HALE. I will wait until the Senator gets through.

Mr. NELSON. I had occasion when I was governor of Minnesota to study this system. We have the parole system there, and I took special pains to examine its workings and ascertain how it operated. We have there a state prison board, consisting at this time, I think, of seven or nine members. After a convict has been in prison for a year, if his record in prison has been good, his case can be brought before the state prison board. If they see fit, or think it is a worthy case, they can let the prisoner out on parole.

Mr. CLAY. Will the Senator let me ask him a question right here?

Mr. NELSON. Certainly.

Mr. CLAY. Suppose a man has been sent up for life, having been guilty of willful murder——

Mr. NELSON. I was coming to such a case.

Mr. CLAY. Just one minute; and he has served one year. Does the Senator think we could afford to release on parole a prisoner who has served only one year and who had been guilty of the offense of murder, simply because his conduct in prison had been proper?

Mr. NELSON. If the Senator had listened to me until I got through with my explanation, I was about to say that our parole law in Minnesota does not apply to life convicts.

Mr. HALE. Take a case of deliberate forgery or of some crime attended with the greatest violence, not murder. Does not the same reason and the same objection that evidently lie in the mind of the Senator from Georgia apply to a case of that kind?

Mr. NELSON. Not at all. There are two views you can take of this matter. If the conviction of a criminal and the sending of him to prison are solely in the nature of punishment—in the nature of revenge, you may say—to make him sweat for his wrong, then of course there is some force in the argument. But the modern idea of criminal legislation is that we impose punishment upon criminals and convicts for the purpose of reforming them and ultimately making them better citizens. If you adhere to the old system, simply that the conviction of a criminal and the sentencing of him to prison is a mere matter of punishment and nothing else, then the doctrine of the Senator from Maine would apply. But if the object of such legislation and of such punishment is to reform the criminal and ultimately to make him a worthy citizen, so that he can earn his own living and not become a burden to society, then I submit that the parole system is justified.

Instead of going into an argument upon the elementary principles of this subject, I was about to explain briefly how it works in the State of Minnesota. In the state prison they had three classes of convicts—first, second, and third class. When a convict came there he was put into the second class immediately; and if in the course of a year or a greater time his behavior was good and exemplary, he was promoted to the first class—the higher class. Then the state-prison board would take his case and consider it; and if upon the facts of the case they thought it was just and proper to let that man out on parole, they would let him out on parole.

Mr. HALE. No matter what his offense may have been?

Mr. NELSON. It did not apply, as I said, to life convicts. I said aside from murder.

Mr. HALE. Outside of that, no matter how great the offense?

Mr. NELSON. In any case.

Mr. HALE. No matter how destructive his offense may have been to the peace of the community?

Mr. NELSON. In any case except where a man was sent to the penitentiary for life.

Mr. HALE. That is, the question which should decide whether or not the punishment should be continued was not the character of the criminal or the nature of the offense, but the fact that he had behaved himself for a year.

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Mr. HALE. They could act upon any offense?

Mr. NELSON. They had the jurisdiction to act upon any offense. The board, after a thorough and complete investigation, if they concluded it was a proper case to admit a man to parole, would grant a parole. The condition of the parole in Minnesota was that the man must enter into some useful employment, where he could earn his living, and he must report every month to the state prison board where he was, what he was doing, and what work he was doing, so that they could know exactly whether or not he was complying with the conditions of his parole. The moment he broke his parole in any shape or manner they would rearrest him and bring him back to prison, and he would be compelled to serve out the whole of his term.

Mr. HALE. What was the practical operation of that?

Mr. NELSON. The practical operation of that was that only in a very few isolated cases—they were so few, indeed, that it was an anomaly—did they ever have occasion to take a convict back.

Mr. HALE. They were practically set loose for life?

Mr. NELSON. They were practically set loose for life; and the result shows that they became good, useful, self-sustaining citizens and not a burden to society.

There was one reason in our State at that time—they have since modified the law—why they did not include life convicts, and that was on account of the Younger brothers, who had made an assault upon and killed a banker. On account of that the legislature for years was loath to include life convicts. They have since included them in the law, so that the board can grant paroles——

Mr. HALE. To persons convicted of capital crime?

Mr. NELSON. Yes; to any prisoner.

Mr. HALE. Parole a murderer?

Mr. NELSON. Parole a murderer.

The parole differs from the pardon system on the commutation of sentence in this: When the pardon power exercises its function it is absolute, it is final. If the President or the governor of a State sees fit to commute a sentence—and they often do—or to grant an absolute pardon, that is the end of it, whether the man pardoned or whose sentence is commuted turns out good or bad. But under the parole system it is entirely different. If a man does not behave, if he does not remain a good citizen, if he does not engage in some useful employment, so as not to be a burden to society, he is sent back to serve out his time; and in that respect I think it works far better than the system of the pardoning power.

We all know—and we need not disguise the fact—that criminals of high social standing, wealthy criminals who have powerful and strong friends, can appeal to the pardoning power. In many instances—and I have noticed it in years past—how easy it is for them to get at all events a commutation and a reduction of sentence. But the poor, ordinary convict, the common criminal, the ordinary thief, if you please, has no friends at court, and nobody can give him a show in that direction, and unless you have a law like this, he is in all cases obliged to serve out his term.

Mr. HALE. I do not think the Senator on reflection will say that because a convict has wealthy friends it is a frequent occurrence that they make themselves so powerful that executive clemency comes in and frees those men.

The instances of that kind, Mr. President, are very rare. It is not true that great criminals are often released by pardon because they have at their control money and means of prosecuting their applications. The number of pardons and the number of commutations of sentences by the Executive in the Federal Government and in the state governments, so far as I know, are very small relatively to the number of convictions. I do not think the Senator wants to go on record as saying that the reason for this paroling generally of criminals is because rich criminals can easily get out. I do not think so.

Mr. NELSON. I think wealthy criminals or criminals who have a high social standing and what you may call "friends at court" have a much greater opportunity. I have noticed in recent years as to a large number or a considerable number of men who have been convicted of wrecking banks in one form or another, and where the court has given them a pretty large sentence, how easy it has been to get a commutation of sentence and a reduction of time.

Mr. HALE. Not many.

Mr. NELSON. Oh, a great many; and to my mind the worst criminal is the man who, holding a position of trust, wrecks a bank. I despise and condemn him more utterly than I do the ordinary thief who picks my pocket, because the latter is not in charge of a trust or a duty as is a bank wrecker.

Mr. HALE. I agree with the Senator, but I do not believe that that man ought to be let out on parole.

Mr. NELSON. It is safer to leave it with a board of this kind than it is with a single individual. The prison board or

As to the transaction in question, I was personally cognizant of and responsible for its every detail. For the information of the Senate I transmit a copy of a letter sent by me to the Attorney-General on November 4, 1907, as follows:

THE WHITE HOUSE,
Washington, November 4, 1907.

MY DEAR MR. ATTORNEY-GENERAL: Judge E. H. Gary and Mr. H. C. Frick, on behalf of the Steel Corporation, have just called upon me. They state that there is a certain business firm (the name of which I have not been told, but which is of real importance in New York business circles) which will undoubtedly fail this week if help is not given. Among its assets are a majority of the securities of the Tennessee Coal Company. Application has been urgently made to the Steel Corporation to purchase this stock as the only means of avoiding a failure. Judge Gary and Mr. Frick inform me that as a mere business transaction they do not care to purchase the stock; that under ordinary circumstances they would not consider purchasing the stock, because but little benefit will come to the Steel Corporation from the purchase; that they are aware that the purchase will be used as a handle for attack upon them on the ground that they are striving to secure a monopoly of the business and prevent competition—not that this would represent what could honestly be said, but what might recklessly and untruthfully be said. They further inform me that as a matter of fact the policy of the company has been to decline to acquire more than 60 per cent of the steel properties, and that this purpose has been persevered in for several years past with the object of preventing these accusations, and as a matter of fact their proportion of steel properties has slightly decreased, so that it is below this 60 per cent, and the acquisition of the property in question will not raise it above 60 per cent. But they feel that it is immensely to their interest, as to the interest of every responsible business man, to try to prevent a panic and general industrial smash up at this time, and that they are willing to go into this transaction, which they would not otherwise go into, because it seems the opinion of those best fitted to express judgment in New York that it will be an important factor in preventing a break that might be ruinous; and that this has been urged upon them by the combination of the most responsible bankers in New York who are now thus engaged in endeavoring to save the situation. But they asserted they did not wish to do this if I stated that it ought not to be done. I answered that while of course I could not advise them to take the action proposed, I felt it no public duty of mine to interpose any objection.

Sincerely, yours,

THEODORE ROOSEVELT.

Hon. CHARLES J. BONAPARTE,
Attorney-General.

After sending this letter I was advised orally by the Attorney-General that, in his opinion, no sufficient ground existed for legal proceedings against the Steel Corporation, and that the situation had been in no way changed by its acquisition of the Tennessee Coal and Iron Company.

I have thus given to the Senate all the information in the possession of the executive department which appears to me to be material or relevant, on the subject of the resolution. I feel bound, however, to add that I have instructed the Attorney-General not to respond to that portion of the resolution which calls for a statement of his reasons for nonaction. I have done so because I do not conceive it to be within the authority of the Senate to give directions of this character to the head of an executive department, or to demand from him reasons for his action. Heads of the executive departments are subject to the Constitution, and to the laws passed by the Congress in pursuance of the Constitution, and to the directions of the President of the United States, but to no other direction whatever.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *January 6, 1909.*

SALARIES IN THE EXECUTIVE DEPARTMENTS.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States (S. Doc. No. 638), which was read and, with the accompanying paper, referred to the Committee on Civil Service and Retrenchment and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith for the consideration of the Congress a revised statement, prepared by the Committee on Grades and Salaries under the executive order of June 11, 1907, for the reclassification and readjustment of salaries in the executive departments, and estimates of appropriations based thereon.

The reclassification of employees should be authorized now, even if the additional appropriations suggested can not now be made. The existing classification does not meet the needs of the service. The basis of the reclassification is character of work rather than amount of salary; it would avoid the need of special positions and result in much higher efficiency.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *January 6, 1909.*

POSTAL SAVINGS BANKS.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 6484) to establish postal savings banks for depositing savings at interest with the security of the Government for repayment thereof, and for other purposes, which had been reported from the Committee on Post-Offices and Post-Roads with amendments.

Mr. CARTER. I ask unanimous consent that the formal reading of the bill be dispensed with and that the bill be read for amendment.

The VICE-PRESIDENT. The Senator from Montana asks unanimous consent that the formal reading of the bill be dispensed with, that the bill be read for amendment, and that the committee amendments be first considered. The Chair hears no objection and the Secretary will proceed with the reading of the bill.

Mr. RAYNER. I wish to ask the Senator from Montana if he will agree to let the bill go over until next week. I do not object to the reading of it; I do not care about that, but several of us desire to make some remarks on the bill.

Mr. CARTER. I do not expect a vote to-day on the bill. I presume it will go over, necessarily, until next week.

The VICE-PRESIDENT. The Secretary will proceed to read the bill.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Post-Offices and Post-Roads was, in section 1, page 1, line 4, to strike out the word "banks" and insert the word "depositories," so as to make the section read:

That there be, and is hereby, established a system of postal savings depositories, to be under the direction and supervision of the Postmaster-General, in conformity with the provisions of this act.

The amendment was agreed to.

The next amendment was, in section 2, page 1, line 11, to strike out the word "bank" and insert the word "depository," so as to read:

That each and every post-office within the United States which is authorized to issue money orders, and such others as the Postmaster-General in his discretion may from time to time designate, are hereby declared to be postal savings depository offices to receive deposits from the public and to account for and dispose of the same according to this act.

The amendment was agreed to.

Mr. BURKETT. I should like to ask the Senator from Montana a question in reference to this section. Does he prefer to go through the committee amendments first? I should like to ask the Senator why it is that in this section he provides for post-office savings depositories being established in money-order offices, and then later on he provides that the Postmaster-General may establish not only such offices but depositories at offices of the first, second, and third classes. Why would it not be better to be put in the first, second, and third classes in the first place and be through with it?

Mr. CARTER. The peculiar provision referred to at the close of the section has regard to the task of installing the system. In the nature of things, it will be quite impossible simultaneously to install the system in all parts of the country and in all the post-offices. Therefore the Postmaster-General is given by the bill opportunity for the gradual installation in such manner as will not demoralize or injuriously affect the postal service.

Mr. BAILEY. I wish to inquire what is the status of the bill.

The VICE-PRESIDENT. It is before the Senate. The formal reading of the bill was dispensed with by unanimous consent, and the bill is being read for amendment, the committee amendments to be first considered.

Mr. BAILEY. Then a parliamentary inquiry, Mr. President. As I understand it, the bill, of course, after the committee amendments or other amendments are disposed of, would still be open for debate in the Senate?

The VICE-PRESIDENT. That is correct. It will also be open for amendment in the Senate.

Mr. BAILEY. I have no interest myself in the amendments. I have some interest in the general debate. I did not want to lose the opportunity of having a word to say against it. Of course I am perfectly willing, indeed, I would prefer, that the proponent of the measure should perfect it so far as such a measure can be perfected before we come to debate it.

Mr. BURKETT. I desire to ask the view of the Senator from Montana further with reference to the part of the bill just read. In the bill, which I introduced some time ago, I provided that these depositories should be established only in the first three classes.

Now, if I understand the Senator's bill correctly, they can be established in any post-office as soon as the Postmaster-General desires to establish them. That is the situation, if I get the idea of the bill correctly.

Mr. CARTER. The bill provides that all the money-order offices and such other offices as the Postmaster-General may designate shall be postal depositories. The requirement is that the money-order offices shall be provided with postal depository machinery as rapidly as the Postmaster-General can install the same without injury to the service. I hope that answers the question of the Senator from Nebraska.

Mr. BURKETT. Yes; it does. The only object I had in asking the question was that it seems to me probable that this ought to be confined to the first three grades; for, if I understand the organization of the Post-Office Department correctly, the fourth-class postmasters are not under salary. They are not paid a regular salary. They provide their own rooms and their own equipment. It occurred to me that very possibly we

ought to confine this at least to the first three grades and such others as the Postmaster-General may deem necessary.

There may be localities where a smaller place than one having a fourth-class post-office would need a savings bank. But it occurred to me, in framing the bill which I drew, that we ought to confine it to post-offices of the first three grades, because there the postmasters' salaries are paid; their buildings are supplied by the Government, and their equipment is more or less supplied by the Government. I therefore made the inquiry of the Senator if it would not be better to confine them to the three grades and such others as the Postmaster-General might determine, than to make them unlimited.

Mr. CARTER. The Senator from Nebraska will observe that the proviso near the close of section 2 reads:

That the Postmaster-General may, if he deems it necessary or more practical, establish at first postal savings depositories only at the money-order offices of the first, second, and third classes, and thereafter extend the system as rapidly as practicable to all other post-offices named above.

This will include, of course, ultimately a considerable number of fourth-class post-offices. While it is true that such postmasters are not now on the salary list, but are on commission, the bill makes provision for a commission to be paid to the fourth-class postmasters for the transaction of this postal-savings business.

The reading of the bill was resumed.

The next amendment of the Committee on Post-Offices and Post-Roads was, in section 2, page 1, line 11, after the word "savings," to strike out "bank" and insert "depository;" on page 2, line 1, after the word "savings," to strike out "bank" and insert "depository;" in line 4, after the word "such," to strike out "bank" and insert "depository;" and in line 8, after the word "savings," to strike out "banks" and insert "depositories," so as to make the section read:

SEC. 2. That each and every post-office within the United States which is authorized to issue money orders, and such others as the Postmaster-General in his discretion may from time to time designate, are hereby declared to be postal savings depository offices to receive deposits from the public and to account for and dispose of the same according to this act. Every postal savings depository office shall be kept open for the transaction of business every day (Sundays and legal holidays excepted) during the usual post-office business hours of the town or locality where such depository is located, and between such additional specific hours as the Postmaster-General may direct: *Provided*, That the Postmaster-General may, if he deems it necessary or more practical, establish at first postal savings depositories only at the money-order offices of the first, second, and third classes, and thereafter extend the system as rapidly as practicable to all other post-offices named above.

The amendment was agreed to.

The next amendment was, in section 3, page 2, line 14, after the word "savings," to strike out the word "bank" and insert "depository," so as to read:

SEC. 3. That accounts may be opened and deposits made in any postal savings depository established under this act by any person of the age of 10 years or over in his or her own name, by a married woman in her own name and free from any control or interference by her husband, by a trustee as such on behalf of another person, by a parent, guardian, or other person for the benefit of a child under 10 years of age.

The amendment was agreed to.

Mr. CARTER. I move, in section 3, page 2, line 16, after the word "name," to insert the word "and."

The VICE-PRESIDENT. The amendment proposed by the Senator from Montana will be stated.

The SECRETARY. In section 3, page 2, line 16, after the word "name," where is first appears, it is proposed to insert the word "and," so as to read:

SEC. 3. That accounts may be opened and deposits made in any postal savings depository established under this act by any person of the age of 10 years or over in his or her own name and by a married woman in her own name and free from any control or interference by her husband.

The amendment was agreed to.

Mr. CARTER. I move as an amendment to the same section what I send to the desk.

The VICE-PRESIDENT. The amendment proposed by the Senator from Montana will be stated.

The SECRETARY. It is proposed to amend, in section 3, page 2, line 17, by striking out all after the word "husband" and in lieu thereof to insert a semicolon and the words "but no person shall simultaneously have more than one postal savings account."

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Post-Offices and Post-Roads was, in section 4, page 3, line 1, after the word "savings," to strike out "bank" and insert "depository," so as to make the section read:

SEC. 4. The postmaster at a postal savings depository shall, upon the making of an application to open an account under this act and the submission of an initial deposit, deliver to the depositor a pass book upon which shall be written the name and signature or mark of the depositor and such other memoranda as may be necessary for purposes of identification, in which pass book entries of all deposits shall be made.

The amendment was agreed to.

Mr. CARTER. I offer the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment proposed by the Senator from Montana will be stated.

The SECRETARY. It is proposed to strike out section 5, as follows:

SEC. 5. That at least $1, or a larger amount in multiples of 10 cents, must be deposited before an account is opened with the person depositing the same, but 10 cents, or multiples thereof, may be deposited after such account has been opened, but no one shall be permitted to deposit more than $200 in any one calendar month.

And in lieu thereof to insert:

SEC. 5. That at least $1, or a larger amount in multiples of 50 cents, must be deposited before an account is opened with a person depositing the same, but 50 cents, or multiples thereof, may be deposited after such account has been opened, but no one shall be permitted to deposit more than $100 in any one calendar month: *Provided*, That in order that smaller amounts may be accumulated for deposit any person may purchase from any depository office for 1 cent a postal savings card, to which may be attached specially prepared adhesive stamps, to be known as "postal savings stamps," and when the stamps so attached amount to $1 or a larger sum in multiples of 50 cents, including the 1-cent postal savings card, the same may be presented as a deposit for opening an account, and additions may be made to any account by means of such card and stamps in amounts of 50 cents, or multiples thereof, and when a card and stamps thereto attached are redeemed by any postmaster he shall immediately cancel the same. It is hereby made the duty of the Postmaster-General to prepare such postal savings cards and postal savings stamps of denominations of 1 cent, 5 cents, and 10 cents, and to keep them on sale at every postal savings depository office, and to prescribe all necessary rules and regulations for the issue, sale, and cancellation thereof.

The amendment was agreed to.

The Secretary resumed and continued the reading of the bill to the end of section 7, line 24, page 4.

Mr. CARTER. In section 7, I move to insert a period after the word "thereof," in line 14, and then to insert the matter which I send to the desk.

The VICE-PRESIDENT. The amendment proposed by the Senator from Montana will be stated.

The SECRETARY. In section 7, page 4, line 14, after the word "thereof," it is proposed to strike out the comma and to insert a period and the following words:

Interest shall not be computed or allowed until the first day of the half year next following the day of such deposit and shall cease on the first day of the half year in which such deposit is withdrawn. Half years shall begin January 1 and July 1, and the computation of interest shall be based on the average balance during the half year: *Provided*, That the balance to the credit of any one person shall never be allowed to exceed $500, exclusive of accumulated interest.

Mr. BURKETT. Mr. President, I do not want to see that amendment adopted, or a part of it at least, by unanimous consent. If I understand the amendment correctly, it provides that deposits shall not begin to draw interest until the beginning of the next half year after they are made, and that they shall cease to draw interest at the beginning of the half year in which they are withdrawn; in short, a depositor might put his money in and not begin to draw interest for five months and all the succeeding days but one of the six months. He might draw his money out and lose his interest for the five months back. It occurs to me that, instead of lengthening that time—the bill as the committee has reported it provides for quarters—we ought at least to draw it down to months. I do not think we ought to let a depositor wait for six months before he begins to draw his interest. I certainly would not want that portion of the amendment adopted. I could not quite catch the importance or the meaning of the rest of the amendment, and I want to understand the object of it; but it seems to me that a depositor ought to draw interest from the beginning of the next month after the deposit is made, and cease to draw interest at the beginning of the month in which it is drawn out.

Mr. CARTER. Mr. President, the determination of the period of time within which interest balances shall be ascertained led to considerable discussion. It was finally determined that we could, without overburdening the department with clerical work, fix the period of one quarter as the basis for interest computation. But the department, upon more mature reflection, concluded that even this would involve almost prohibitive bookkeeping and details.

It must be borne in mind that the primary purpose of this legislation is to enable people to save small sums. We desire to furnish accommodations to that class of persons who are now penalized for safety's sake by being compelled to buy postal money orders at the rate of $3 per thousand in order that they may have their money where they consider it safe.

Interest will not be the main objective point of those patronizing the postal savings banks. If interest is the objective point, much better investments can be found and more remu-

nerative rates of interest can be secured in many directions than in the proposed postal depositories. If we should undertake to compute the interest on each account monthly, the whole fabric here proposed would break down under a mass of details. The accounts will be small, the depositors numerous, and, in consequence, the clerical work would be very great if we undertook to compute interest monthly or quarterly as the bill now proposes.

The amendment gives to the depositor interest on his average balance for the period of six months, and in that it is a fair and just method of computation. We can not give interest on daily balances, nor can we give interest on monthly balances, because of the clerical difficulties to which I have referred.

The amendment which I have sent to the Secretary's desk was prepared by the Postmaster-General, who, after consulting extensively with his enlightened corps of assistants, determined that the bill as it is now framed, providing for the quarterly balancing of interest, would not be workable save at great expense. Hence, we report the amendment providing for a half-year interest period.

Mr. McCUMBER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from North Dakota?

Mr. CARTER. Yes, sir.

Mr. McCUMBER. Do I understand, as the bill now reads with the proposed amendment, that interest will be allowed for the first six months upon the average balance for those six months?

Mr. CARTER. That is what the amendment proposes.

Mr. McCUMBER. The original bill provided for the payment of interest on the average balance for three months instead of six.

Mr. CARTER. Yes.

Mr. McCUMBER. I should like to ask the Senator now, Why is it proposed to amend this bill so as to provide, not for a 10-cent deposit, but for a 50-cent deposit, and also provide for stamps to be issued which might be deposited after the collection amounted to at least 50 cents? Why would it not be just as well to dispense entirely with a deposit of anything less than $1, so that all computations would be made on the dollar basis, instead of upon the half-dollar basis? That would do away with considerable of the clerical work; would be easy of computation by tables for interest and compound interest, and it seems to me that we would gain just as much, because we already have the provision for the purchase of stamps whenever any person wishes to get 10 cents' worth or even 1 penny's worth until the amount reaches the half-dollar limit.

Mr. CARTER. Mr. President, the 10-cent deposit limit was raised for the purpose disclosed in the statement of the Senator from North Dakota [Mr. McCUMBER] in order to avoid the bookkeeping connected with the receipt of these very small sums. After the bill was framed I took occasion to inquire extensively as to the amount of deposits received in other countries, and found that the franc, or about 20 cents, was the average of deposits received at the postal savings banks; that is, the minimum. Generally speaking, a larger sum is required by other countries for the opening of an account. In fixing the minimum deposit in this bill at 50 cents we will thus fix a minimum that is quite as much or more than the minimum provided by the laws of Canada, England, France, and Italy.

Mr. McCUMBER. I could see, Mr. President, why the minimum might be larger, in view of the fact that the Senator's own amendment has taken another method to meet that question; that is, by allowing in reality deposits from 1 cent up to $1 in the shape of stamps. The Senator must bear in mind that the wages paid to laborers here are from two to three and even four times what they are in France; and that the amounts that are used daily in the little purchases are from three to ten times as much. So I do not conceive that it would be any hardship whatever, especially as they can receive the stamps up to $1, to receive no interest-drawing deposits less than $1.

Mr. HOPKINS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Illinois?

Mr. CARTER. Yes.

Mr. HOPKINS. I should like to ask the Senator in charge of the bill while he is on the floor to explain why it is, if the Government is to pay interest on postal savings deposits, that the amount on which it can be paid is limited to $500 instead of $1,000?

Mr. CARTER. Mr. President, the opposition to this bill throughout the country springs generally from the banking fraternity. It has been charged everywhere that the bill would become a refuge for debt dodgers; that the bank balances or deposits would be very largely impaired. In nearly every instance where such objection is urged the parties have said that if the maximum sum which would be received at the post-office were reduced, the main, the cardinal, the real objection to the bill would disappear. Yielding somewhat to that sentiment, and upon the urgent request of the Postmaster-General, the amendment reducing the maximum deposit from $1,000 to $500 was proposed and adopted.

Mr. du PONT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Delaware?

Mr. CARTER. I do.

Mr. du PONT. I should like to ask the Senator in charge of the bill a question in regard to this section as amended. When does the interest begin? Assuming that the postal savings bank bill were a law, if a man deposited money in a postal savings depository to-day his interest, as I understand, would not begin until the 1st of next July. Am I correct in that?

Mr. CARTER. That is the correct understanding.

Mr. du PONT. It seems to me that is a long time to wait, and I was hoping that it could be arranged on a quarterly basis, but the previous remark of the Senator from Montana furnishes an answer as to that.

Mr. CARTER. The belief of the Postmaster-General and those with whom he has conferred on the subject is that the half-yearly basis of computation——

Mr. du PONT. I see the difficulty from the clerical standpoint——

Mr. CARTER. Was necessary in order to avoid multiplicity of accounts and statements.

Mr. HOPKINS. Mr. President, I take it from what the Senator says that the enactment of this bill into a law is not so much for the purpose of giving interest to depositors—for the savings banks in the States are open for that purpose—but to draw from hiding money that never finds a place in any of the banks.

Mr. CARTER. The Senator from Illinois states the understanding I have with reference to the main object of this legislation. It can be summed up in two words. We want to extend to the struggling wage-earners and people in every locality in this country an opportunity to deposit their savings, coupled with perfect safety. We are not seeking to enter the commercial field in competition with banks.

Mr. BURKETT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Nebraska?

Mr. CARTER. With pleasure.

Mr. BURKETT. I do not wish to interrupt the Senator in the midst of what he is saying, but it occurs to me that this is a pretty serious matter. The Senator is quite right in saying that the opposition to this measure comes from the banking fraternity. Attempts have been made to defeat this legislation, but now that it seems it can not be defeated, they have undertaken to make the interest rate 1 per cent. I have had communications from bankers urging if this bill must pass that we cut the interest rate down to 1 per cent; that we delay the time of beginning to pay interest; and all that sort of thing. It seems to me the Congress is liable to do something here that may make the Government appear niggardly and the Congress ridiculous.

Suppose we reduce the interest rate to 1 per cent. No country on the face of the earth pays less than about 2½ per cent. How ridiculous Congress would be in responding to that demand. On the other hand, if we put off the day of beginning to pay interest for six months, that would be ridiculous. If we are going to have a savings-bank system, we can not afford to go before the people and say that because the computation of interest is going to involve some work on the part of the department, we will not begin to pay interest for six months after a deposit is made.

The Senator has confused, in his remarks at least, the time when interest shall be computed and the period during which interest should be paid. I do not know of anybody who expects that interest is going to be computed monthly. It can be computed annually; but we ought to begin to pay interest within less than six months after we take the people's money, if we are going to pay interest at all, and we ought not to refuse to pay interest for six months back when a man withdraws his deposit. Should we do so, we would make this ridiculous, it seems to me. If the Postmaster-General has got it through his head that this is going to make so much work, he should have thought of that, in my opinion, before he started and launched the matter.

If we are going to enact a postal savings-bank law, let us not do these little things that will make the Government appear both niggardly and ridiculous. I do not think we ought to put

a provision in here cutting off interest until six months after the deposit is made and six months before it is withdrawn.

I have not been able to catch, perhaps, the full import of the amendment, and as the Senator does not expect to have the bill passed to-day and the amendment has not been printed, would he object to letting the amendment lie on the table until the bill is taken up the next time? Then the amendment can be printed, and we can all have an opportunity to see it.

Mr. CARTER. Mr. President, it is my desire to have the bill reprinted with the amendments offered to-day and adopted.

Mr. BURKETT. Could not the Senator have it reprinted with this amendment appearing at the proper place in the text and marked as pending?

Mr. CARTER. As pending?

Mr. BURKETT. Yes.

Mr. CARTER. That would be acceptable.

Mr. BURKETT. I do not want the amendment acted upon now.

Mr. CLAY. With the permission of the Senator from Montana, I want to call his attention to page 6. I believe I called attention to this feature in the committee.

The VICE-PRESIDENT. The Chair would suggest that, as he understands it, the Senator from Montana moves to strike out all after the word "thereof," in line 14, down to the end of section 7, and to insert the matter contained in the proposed amendment.

Mr. CARTER. That is the motion of the Senator from Montana.

The VICE-PRESIDENT. That amendment will be regarded as pending.

Mr. CLAY. I desire to call the attention of the Senator from Montana to page 6 of the measure. The Senator will remember that I thought these words ought to go out of the bill when we originally considered it. I have not changed my mind about it.

The words I have reference to are as follows:

After their receipt from depositors they shall be exempt from demand, garnishment, execution, attachment, seizure, or detention under any legal process against the depositor thereof. Such funds shall not be subject to taxation by the United States or any State.

I suggest to the Senator that if a citizen deposits his money with the Government in a State, I doubt whether we have the authority to exempt it from state taxation; and if we do have the authority to do it, I doubt whether we ought to do it.

I come again to the question of debts. Take a citizen who deposits two hundred or three hundred or five hundred dollars of money with the Government. It strikes me that that money ought to be subject to his debts just like the other funds of an individual. And I will say to the Senator that when section 10 is reached I shall propose to strike out those words, and I hope in it to have the support of the Senator from Montana.

Mr. CARTER. I can not promise to support the proposition of the Senator, but I shall address the Senate briefly on the subject when the matter comes up.

Mr. FULTON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Oregon?

Mr. CLAY. With pleasure.

Mr. FULTON. I should like to ask the Senator whether he thinks that by merely striking out that provision, which furnishes a proposal to exempt from garnishment these deposits, he would leave them so that they would be subject to such process?

Mr. CLAY. I hardly think so. I think there would have to be further provision made. I doubt whether one could garnishee or attach funds in the hands of the Government without an express provision.

Mr. FULTON. I think in order to subject money in the hands of the Government to garnishment or attachment there would have to be some direct provision authorizing it. But I call the Senator's attention, if he will permit me——

Mr. CLAY. Certainly.

Mr. FULTON. To this point. One hundred dollars a month may be deposited as a maximum, as I understand, under the bill. Now, is there anything illogical in exempting that from garnishment and attachment, in view of the fact that postmasters' salaries—I guess they will average more than a hundred dollars a month, or that amount, anyway, in money-order offices—are not subject to attachment? Why should we render these deposits subject to attachment?

Mr. CLAY. The Senator will remember that all of the States, so far as I have been able to investigate, have provided exemption laws allowing citizens a certain amount of property—in some States $500 and in others as high as $1,600—and the funds so set apart are not subject to debt.

Now, it is a right serious problem for Congress to undertake to say what property of a citizen in a State shall not be subject to taxation or debt. Each State ought to provide a system of exemption, and each State has done so, and Congress ought not to undertake to say what property shall not be subject to the debts of the citizen or what property shall not be subject to taxation in a State.

Mr. FULTON. I submit to the Senator that that is purely a question of public policy. We are seeking by this bill to bring out of hiding a certain amount of money that we know is in existence but not in commercial channels, not available for commercial use. It is a small amount in the possession of each individual hidden away in some place under his control. At the present time it does not enter into commerce. It is not subject to taxation, because it is not reached. I do not suppose a dollar of the money that will be brought into sight by this bill to-day pays a cent of taxes in any State of the Union.

Mr. CLAY. I doubt that statement, I will say to the Senator.

Mr. FULTON. Let me say to the Senator I think there is probably no character of property which pays so slight a proportion of the burden of taxation as actual money. I think that is the experience of man. It is so easy to hide money, so easy to keep it out of sight, so easy to evade taxation of it that that is the result.

We are appealing by this bill to a vast army of holders of small amounts of money, who are keeping it out of commercial channels, and we are inviting them to deposit it with the Government. I do not see why there is anything illogical in exempting it from taxation. Every State, as the Senator says, does by law provide that certain property shall be exempt from taxation. A certain amount of household property, certain wages earned but not yet paid, are exempt from garnishment; and it is not unreasonable, to my mind, if we enter upon this scheme to invite the small depositors to bring their money out where it can be used, to offer an inducement that it shall not be subject to taxation.

Mr. HOPKINS. I desire to suggest to the Senator that under existing law, if there were nothing whatever in the bill relating to garnishment, the Government could not be garnisheed.

Mr. FULTON. Certainly. The Senator from Georgia concedes that.

Mr. HOPKINS. That has been the policy of the Government from time immemorial.

Mr. FULTON. To exempt from garnishment.

Mr. HOPKINS. So there is no new policy adopted in this bill.

Mr. FULTON. No State or municipality or division of any State, as, of course, we all know, can be subject to garnishment unless there be some positive provision of law therefor.

The VICE-PRESIDENT. The Secretary will resume the reading of the bill.

Mr. McCUMBER. Before we pass from the subject which has been discussed, I want to understand better the amendment which has been proposed by the Senator from Montana. I understood him to say, in answer to my question, that interest would be computed upon the average balance during the preceding six months; the computation would not be made until the expiration of six months, but when that computation was made, it would be upon the average deposit during those six months. Subsequent inquiries seem to indicate that no interest whatever is to be computed upon the first six months' deposit. Now, is that a correct understanding?

Mr. CARTER. Interest is really computed annually. In order to ascertain the amount of interest due to an individual, however, we divide the year into two parts, the first part extending from the 1st of January to the 1st of July, and then from July to January again. When a deposit is made, if this amendment should be adopted, there will be no computation of interest for a fraction of six months—for that fraction of the six months remaining between the date of the deposit and the beginning of the next half year.

Mr. McCUMBER. I understand there will be no computation for a fraction of six months; but what I want to understand is whether or not, if a man has on deposit an average, say, of a hundred dollars for the first six months, at the end of those six months, the beginning of the next half, he will be given what is equivalent to 1 per cent upon that average balance of $100 during those six months, or whether no computation will be made and no interest will begin until the expiration of the six months.

Mr. CARTER. No credit is made for interest except annually. This amendment must be taken, of course, in connection with that which precedes it:

SEC. 7. That interest at the rate of 2 per cent per annum shall be computed, allowed, and entered in the pass book to the credit of

each depositor once in each year, and shall be added to and become a part of the principal; but such interest shall not be computed or allowed on any amount less than $1 or some multiple thereof. Interest shall not be computed or allowed until the first day of the half year next following the day of such deposit and shall cease on the first day of the half year in which such deposit is withdrawn. Half years shall begin January 1 and July 1, and the computation of interest shall be based on the average balance during the half year.

Mr. McCUMBER. If I understand that correctly, it means for six months there will be no interest whatever, no matter what the deposit is during the first six months. Why is that?

Mr. CARTER. If the depositor withdraws his money before the expiration of the year, he does not receive interest.

Mr. McCUMBER. But that is not what it means, if I understand the reading correctly. It means that whether he withdraws it before the expiration of a year or not no interest will be computed or allowed—because the word is "allowed"—upon the deposit that preceded the second part of the year.

Mr. CARTER. Most assuredly the balance would be increased by subsequent deposits, and interest would be paid on the total deposits, including that which accumulated during the previous six months.

Mr. McCUMBER. For how long a time?

Mr. CARTER. For that year.

Mr. McCUMBER. The way the amendment reads it would not be allowed upon the first half year's deposits.

Mr. CARTER. Not if the deposit had been drawn out.

Mr. McCUMBER. No, even if it had not been drawn out. It would not be allowed upon the first half year's deposit. Will the Senator please read that portion?

Mr. CARTER. Certainly.

Interest shall not be computed or allowed until the first day of the half year next following the day of such deposit——

Mr. McCUMBER. That means if he commences to deposit in January and continues a deposit which amounts on the average to a hundred dollars for the first six months that interest will not be allowed upon the hundred dollars until the beginning of the next six months. It will not be allowed from the beginning, but will commence to be computed at the end of the first six months.

Mr. CARTER. The Senator is referring again, as I understand, to the question of allowing interest for a fraction of the six months which will intervene between the date of the opening of the account and the arrival of the first day of the next half year. We do not allow interest on the fraction of six months.

Mr. BURKETT. Then, let me ask the Senator a question right here. Suppose a man deposits a hundred dollars on the 2d day of January and draws it out on the 30th day of December; how much interest would he get under your amendment?

Mr. CARTER. He would get interest for six months.

Mr. BURKETT. If it does not begin to draw interest until the first day of the next six months and ceases to draw interest on the first day of the six months in which it is withdrawn, I do not see how he would get any interest.

Mr. HOPKINS. In order to get at the proper interpretation of the amendment, I would ask the Senator in charge of the bill to suppose a depositor deposits a hundred dollars on the 1st day of May. As I understand, he does not draw interest until the first day of July. Suppose the deposit is taken out on the 1st day of December. Does he get any interest at all?

Mr. CARTER. There would be no interest on that deposit.

Mr. BURKETT. What is the difference between that man and mine? He puts his in on the 2d day of January and draws it out on the 30th of December. How would he get any interest?

Mr. CARTER. If he deposits his money the 2d day of January and draws it out prior to the arrival of the 1st of the following January, he would get no interest.

Mr. KEAN. I think the Senator will have to change that statement, because the 1st of January is a holiday generally, and I think they would recognize the 2d of January as the first day of the year, and he would get six months' interest.

Mr. CARTER. Under that construction he might be entitled to interest.

The VICE-PRESIDENT. The reading of the bill will be resumed.

The reading of the bill was resumed. The next amendment of the Committee on Post-Offices and Post-Roads was, in section 8, line 3, page 5, to strike out "bank" and insert "depositor."

The amendment was agreed to.

Mr. du PONT. Mr. President, it seems to me the effect of this bill will be to prevent depositors from withdrawing their money when they are absent from the place of deposit, a privilege which is one of the chief advantages of the postal savings-bank system in other countries. Under this bill a depositor away from home would have to return home in order to draw his money at the post-office. The system which obtains in England and France is an immense advantage to all those people who are not permanently domiciled or who are earning their livelihood temporarily away from their homes; for instance, seafaring men, people working for contractors. It applies to a very large class of people who are temporarily domiciled at different points. The system has worked very successfully in England and in France, and there is no reason why it can not be applied here.

Again, by special postal convention between France and Belgium, this state of things exists: A Frenchman who has deposited funds in a French postal saving bank can go to Belgium and withdraw his funds from any postal savings bank in Belgium, and vice versa.

So I think this section should be amended, and I shall propose the amendment which I send to the desk, which I ask may be printed with the bill, to be voted on at the proper time.

The VICE-PRESIDENT. The Senator from Delaware proposes an amendment, which will be stated.

The SECRETARY. On page 5, section 9, line 13, after the word "interest," insert the words:

Either at the postal savings depository where the funds were deposited or at any other such depository.

The VICE-PRESIDENT. The proposed amendment will be included in the reprint of the bill and be regarded as pending.

The reading of the bill was resumed.

The next amendment of the Committee on Post-Offices and Post-Roads was, in section 9, page 6, line 2, after the word "savings," to strike out "bank" and insert "depository," so as to read:

The postal savings-depository system.

Mr. CARTER. I move to amend the section by striking out all after the word "prescribe," in line 22, page 5, and inserting in lieu thereof:

No national bank or other bank in which postal-savings funds shall be deposited shall receive any exchange or any other fees or compensation on account of the cashing or collection of any checks or the performance of any other service in connection with the postal-savings depository system.

Mr. DOLLIVER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Iowa?

Mr. CARTER. Certainly.

Mr. DOLLIVER. Is it the purpose of the Senator from Montana to make provision by amendment for the distribution of these postal deposits in other banks than national banks?

Mr. CARTER. An amendment has been prepared with that object in view. While I am not authorized by the committee to accept the amendment, I can see no objection to it and shall not resist it when offered.

Mr. DOLLIVER. I will say to the Senator that one of the largest sources of criticism of the bill in the West appears to be that it might operate as discrimination against banks outside the national banking system, and if an amendment enlarging the list of banks or institutions in which the deposits are made, properly secured, should be inserted in the bill, it would relieve it of much of the criticism that has arisen in some sections of the country.

Mr. SMITH of Michigan. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Michigan?

Mr. CARTER. I yield.

Mr. SMITH of Michigan. I was going to say, for the benefit of the Senator from Iowa that I have prepared an amendment to section 11 along the line that the Senator suggests, and when that section of the bill is reached I hope to have his attention and his support for the amendment.

Mr. KEAN. Let me ask the Senator from Montana a question.

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from New Jersey?

Mr. CARTER. Certainly.

Mr. KEAN. Are postal funds at present deposited in other than national banks?

Mr. CARTER. Postal funds are not deposited in other than regular national-bank depositories.

Mr. KEAN. Are any funds of the United States deposited in other than national banks?

Mr. CARTER. I am not aware that that is the case.

Mr. BURKETT. If the Senator is through with his amendment, I want to call his attention to line 14, on page 5:

All the withdrawals of deposits may be made in even dollars unless the account shall be closed.

It seems to me there ought to be inserted there the words "unless it be for accrued interest." I think the bill provides that at the end of each year the interest shall be computed. The depositor may want to draw out the accrued interest, and it may not be in even dollars. It seems to me there should be a provision for withdrawals other than in even dollars, not only in closing an account, but for accrued interest, if the principal is desired to be left.

Mr. CARTER. The Senator from Nebraska will agree that owing to the very large number of accounts and the small amounts that will necessarily be involved—as common experience shows—it is necessary for purposes of ready computation to adhere as strictly as possible to the decimal system.

Mr. BURKETT. I think the Senator does not catch the point I am trying to make.

Mr. CARTER. The even dollars?

Mr. BURKETT. It would save bookkeeping to draw out other than even amounts when it is accrued interest, rather than to leave an uneven amount to go on to the next year. In line 14, on page 5, the bill provides that all the withdrawals must be made in even dollars unless the account shall be closed. My idea is that we should provide for an amount other than even dollars if it is to draw out accrued interest. For example, at the end of the year, let us say that the interest amounts to $4.27. Under the Senator's bill the depositor could draw out only $4 interest and must leave 27 cents to be added to the principal of a hundred dollars, say, and be computed. I think it would be better to permit him to draw out all of his accrued interest at the end of the year if he wants to, even though it is a fraction of a dollar, and leave his principal sum even during the next year.

Mr. CARTER. The bill contemplates the computation of interest annually without any solicitation on the part of the depositor. That will be done by the department as a matter of course. And elsewhere the bill provides that the interest shall be added to and become a part of the principal. I can readily understand the point made by the Senator with reference to odd cents, but the bill of necessity would have to be recast in other directions in order to carry out that suggestion.

Mr. BURKETT. You would only have to say, in line 17, "or it is accrued interest."

Mr. FULTON. I should like to ask the Senator from Montana if as a matter of fact the language as it appears in the bill would not permit the drawing out of all the interest. It seems to me that "all withdrawals of deposits" has reference to the previous sentence. The previous sentence says:

> Any depositor may withdraw the whole or any part of the funds deposited to his or her credit, with the accrued interest.

Then the next sentence says:

> All withdrawals of deposits must be made in even dollars unless the account shall be closed.

But the "even dollars," I take it, refers to the deposit, money actually deposited, and of course the bill has said before that he may withdraw that and the accrued interest as well. So it seems to me that the language as it reads would authorize him to draw out the deposit in even dollars and the interest whether it was in even dollars or not.

Mr. CARTER. That construction might be made.

The VICE-PRESIDENT. The Senator from Montana proposes an amendment, which will be read.

The SECRETARY. In section 9, page 5, line 22, after the words "may prescribe," strike out the remainder of the section and insert:

> No national bank or other bank in which postal savings funds shall be deposited shall receive any exchange or any other fees or compensation on account of the cashing or collection of any checks or the performance of any other service in connection with the postal savings depository system.

The amendment was agreed to.

The Secretary resumed the reading of the bill.

The next amendment was, in section 10, page 6, line 3, to strike out "bank" and insert "depository," so as to make the section read:

> SEC. 10. That postal savings depository funds are hereby declared to be public moneys and subject to the safeguards and preferences provided by statute therefor. After their receipt from depositors they shall be exempt from demand, garnishment, execution, attachment, seizure, or detention under any legal process against the depositor thereof. Such funds shall not be subject to taxation by the United States or any State, and no person connected with the Post-Office Department shall disclose to any person other than the depositor the amount of his or her deposit, unless directed so to do by the Postmaster-General.

The amendment was agreed to.

Mr. CARTER. I move to amend section 10 by inserting in line 10——

Mr. CLAY. I ask the Senator to let the section go over. I want to prepare a new section.

Mr. CARTER. Very good. I desire to offer an amendment to perfect it.

Mr. CLAY. I have no objection to the amendment, but I want to prepare a new section for it.

The VICE-PRESIDENT. The Senator from Montana proposes an amendment, which will be stated.

The SECRETARY. On page 6, line 10, after the word "State," insert the words "county or municipality," so as to read:

> Such funds shall not be subject to taxation by the United States or any State, county, or municipality, and no person connected with the Post-Office Department shall disclose to any person other than the depositor the amount of his or her deposit, unless directed so to do by the Postmaster-General.

The amendment was agreed to.

The VICE-PRESIDENT. Section 10 will be passed over.

The next amendment was, in section 11, page 6, line 15, to strike out "bank" and insert "depository," and on page 7, line 9, to strike out "bank" and insert "depository," so as to make the section read:

> SEC. 11. That the Postmaster-General shall, as herein provided, deposit postal savings depository funds in national banks to be designated by him, at a rate of interest not less than 2½ per cent per annum. Such deposits shall be made in national banks in the States and Territories in which the funds are received, and when possible in the counties in which such funds are received, and, as far as practicable, in the immediate vicinity of the places at which funds are so received. If any bank in which such funds are so deposited shall become insolvent, such funds shall be a prior lien upon its assets and shall be first paid, to the exclusion of all other indebtedness of every kind and nature whatsoever. Where it is not practicable to deposit such funds in the counties, States, or Territories where they are received, they may be deposited in national banks at the nearest practicable points thereto or invested in state, territorial, county, or municipal bonds to be selected by the Postmaster-General with the approval of the Secretary of the Treasury and the Attorney-General. Interest and profits shall be applied first to the payment of interest accruing to depositors in postal savings depositories as hereinbefore provided, and the excess thereof, if any, shall be covered into the Treasury as part of the postal revenues. For the purposes of this act the word "Territory" as used herein shall be held to include the District of Columbia, the district of Alaska, and Porto Rico.

The amendment was agreed to.

Mr. CARTER. I yield to the Senator from Michigan.

Mr. SMITH of Michigan. I desire to offer an amendment to section 11.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. Add at the end of the section——

Mr. CARTER. I think it will come in after the word "whatsoever," line 1, page 7.

Mr. SMITH of Michigan. Very well, after the word "whatsoever."

The SECRETARY. On page 7, line 1, after the word "whatsoever," insert:

> Where it is not practicable or desirable to deposit such funds or any part of the same in national banks in the counties, States, or Territories where they are received, they may be deposited in the state banks in such counties, States, or Territories, taking as security therefor, on approval of the Postmaster-General, bonds or other interest-bearing obligations of any regularly organized county, municipality, or State, or of the United States.

Mr. SMITH of Michigan. Mr. President, I desire to propose this amendment because it would not be proper or right to take the funds from local post-offices deposited by the people and deposit them in the national banks remote from the home of the depositor. It would be a discrimination against the community where the deposit originated, and it would be very unfair to the people in that vicinity. I have a telegram from the commissioner of banking in Michigan, showing the character and importance of state banks, which reads as follows:

> LANSING, MICH., *December 15, 1908.*
>
> Hon. WILLIAM ALDEN SMITH,
> *Washington, D. C.*
>
> Michigan has 361 state banks and 6 trust companies. These have a total capital of $21,600,000 and deposits of $206,340,000.
>
> H. M. ZIMMERMAN,
> *Commissioner of Banking.*

Mr. KEAN. Will the Senator state how many savings banks there are in that number?

Mr. SMITH of Michigan. They are all savings banks. There are many communities in our State where there are no national banks. It would be very unfair and very unjust to collect these deposits from the post-offices and then cart them off into rival communities for the purpose of deposit in national banks, when state banks are locally available and equally substantial.

Mr. FULTON. Will the Senator permit me?

Mr. SMITH of Michigan. Certainly.

Mr. FULTON. I will say to the Senator from Michigan that I am in hearty sympathy with the spirit of the amendment he proposes, but it seems to me that it throws too severe restrictions around banks other than the national banks. I really do not see any reason why a national bank should be given any preference over any other bank that the Government thinks is entirely safe and responsible; and I would let them in on an

equal footing, with some safeguards, of course, as to ascertaining their soundness. But the language the Senator has employed rather indicates that only where they can not find satisfactory national banks shall the other banks be given the privilege of receiving these deposits. I do not think that ought to be done.

Mr. SMITH of Michigan. If the Senator will pardon me, I used the language employed in the amendment because it seemed to be the best I could do with the committee having the bill in charge. I talked the matter over with several Senators, and they thought this amendment a great improvement over the original bill, but there are some States where the examinations of state banks are not thorough and not satisfactory, where there is no good system prevailing. In those States lacking appropriate legislation I can conceive of deposits being made without security to the detriment of many of the depositors.

In the State of Michigan we have a system of examination that is far better than the national system. It is more thorough, more complete, and ample time is given to the examination of the state banks. The result is that our banks are prosperous and numerous. As this telegram from the commissioner of banking says, there are $206,000,000 of the people's money in those banks alone. I do not want to have those banks discriminated against in the deposit of these funds, if we can help it.

Mr. FULTON. Has not the Senator discriminated against them?

Mr. SMITH of Michigan. I think not; I want to make all deposits of this fund absolutely safe and secure, whether made in a state bank or a national bank.

Mr. HOPKINS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Michigan yield to the Senator from Illinois?

Mr. SMITH of Michigan. Certainly.

Mr. HOPKINS. I desire to suggest to the Senator from Michigan, in answer to the inquiry made by the Senator from Oregon [Mr. FULTON], that the Federal Government having no control whatever over these state banks, it would be necessary, if we are to utilize them in this bill, to require restrictions and obligations upon those banks which are not exacted from national banks.

Mr. FULTON. I suggest to the Senator that the restrictions might be placed on some other basis than the language here employed would indicate. For instance, the language is—

> Where it is not practicable or desirable to deposit such funds or any part of the same in national banks.

That puts up a fence against the depositing in a state bank and renders it very rare that it would occur.

Now, to obviate what the Senator suggests—and I suppose there might be no objection to it—let it provide that when they offer approved security, or something of that character, they shall be given an equal opportunity with national banks to get the deposits.

Mr. SMITH of Michigan. Would the Senator from Oregon suggest that such language be employed as would be mandatory upon the Postmaster-General to deposit these funds pro rata in all the banks of the country?

Mr. FULTON. I would not make it mandatory.

Mr. SMITH of Michigan. I simply seek to prevent any discrimination against communities and against state banks properly supervised.

Mr. FULTON. I think language may be framed which would put them on the same footing, the conditions being such as to warrant the deposit.

Mr. HOPKINS. Mr. President, this amendment is too important to be adopted without mature deliberation, and I suggest to the Senator from Michigan that he have his amendment printed, and that this paragraph be passed over for the time, so that we can look into it carefully. Then if we find, as suggested by the Senator from Oregon, that it is imperfect, we will have an opportunity to perfect it before it becomes a part of the bill.

Mr. SMITH of Michigan. I am in thorough sympathy with the state banks' desire for a portion of the deposits, but do not want to commit the Federal Government to a proposition that is merely enterprising and not absolutely safe in its character.

Mr. McCUMBER. I hope the Senator from Michigan will liberalize his amendment very much indeed. I can see no reason why you should discriminate against state banks. I believe upon the whole the examinations in the state banks throughout the United States are just as thorough as they are in the national banks. If it is the object of the bill to keep the money in the town or place where it was collected, and there should be nothing but a state bank in that place, then I can see no reason for exacting from them a security different from what you would exact from the national banks.

Now, if you compel the state banks to get municipal or other bonds, the chances are a hundred to one that they have got to send the money to New York or some other large city in order to purchase the bonds to give the necessary security.

You may allow them to use such security as the Secretary of the Treasury may require, whether it be a bond that is given by individuals or whether it be a bond given by a security company, and then have a mandatory provision that the money shall be deposited in that city or town to the credit of any one of the banks that will take it on the 2 per cent, and in such proportion as their capital may be, or what other provision the Secretary may prescribe by the rules, but I certainly can see no reason why you should exact from the state banks a security and exact from national banks nothing whatever, when in many instances they are not as solvent as the state banks.

Mr. SMITH of Michigan. If the Senator will permit me a word, there is no uniformity either in law or regulation with respect to state banks throughout the country. They vary as the legislation of the various States varies. If there was uniformity of law in their organization, if there was uniformity of rule with reference to their regulation, management, and supervision, we might, by a general provision, liberalize the amendment. But that is not the case. I wish we might have uniformity among the States affecting all banking privileges.

Mr. FULTON. Will the Senator allow me to ask him right there——

Mr. SMITH of Michigan. If the Senator will pardon me, I do not believe there is a state bank under proper supervision and regulation of law that has not in its possession as a part of its assets a very large proportion of its deposits in real-estate mortgages, and bonds of one kind and another.

Mr. McCUMBER. I can answer that in my own State, where we have a great many state banks and national banks, none of them carry municipal bonds in their possession or anything of that character, because the value of money in that section of the country is so much greater, and the interest is so much greater, that all those securities are sent east and find their markets in the great cities of the country.

Mr. SMITH of Michigan. You carry a portion of your assets in real estate?

Mr. McCUMBER. No; they are not allowed to carry their assets in real estate, except for the bank building, and so forth.

Mr. SMITH of Michigan. In our State we are obliged to carry 51 per cent in real-estate security.

Mr. McCUMBER. That is not the rule in most of the States.

Mr. SMITH of Michigan. I think in a good many of the States they are obliged to carry a proportion of assets in tangible real-estate mortgages, and in that respect state banks differ from the national banks.

Mr. McCUMBER. That would not help out any in giving the security necessary to get the deposits. There will be nothing gained if you have got to turn into another channel an equal amount of money in order to get the deposits from that particular post-office.

Mr. FULTON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Michigan yield to the Senator from Oregon?

Mr. SMITH of Michigan. Certainly.

Mr. FULTON. The more I think about it the more I believe it is the only good plan to require the same character of security from all the banks and make no distinction in regard to them.

Mr. SMITH of Michigan. State and national?

Mr. FULTON. National and state, and require each one of them to give approved security for the deposits. Then the one that can make the best showing and offer the best inducement will get the deposits. I do not see why there should be any distinction between state and national banks. As the Senator says, we know that many of the very best banks in the country in every State are what we call private banks or state banks.

Mr. SMITH of Michigan. But there is a distinction between state and national banks, and the bank that bids the most for deposits is not always the safest depository for trust funds.

Mr. FULTON. Certainly, there is a distinction between them.

Mr. SMITH of Michigan. There is an inherent distinction, and a great difference in management.

Mr. FULTON. Very well; but we need not recognize it if they give the same security.

Mr. SMITH of Michigan. But we must recognize it. We are legislators, not bankers.

Mr. FULTON. There is a distinction, of course, but it is not a distinction that need interfere if we require them all to give the same class of security.

Mr. SMITH of Michigan. My sole purpose is to perfect this legislation with impartiality.

Mr. CLAPP. I had supposed that that phase of the question was settled for the present.

Mr. SMITH of Michigan. I do not know how it is settled. It goes over under the rule.

Mr. FULTON. The Senator must have adopted what I said if he thought it was settled.

Mr. CLAPP. I desire to offer an amendment. The suggestion was made that this section should go over, but before that I wanted to offer an amendment to another part of the section when this is disposed of.

The VICE-PRESIDENT. The Senator from Michigan proposes an amendment, which will be read by the Secretary.

The SECRETARY. It is proposed to add, at the end of section 11, the following words:

Where it is not practicable or desirable to deposit such funds or any part of the same in national banks in the counties, States, or Territories where they are received, they may be deposited in the state banks in such counties, States, or Territories, taking as security therefor, on approval of the Postmaster-General, bonds or other interest-bearing obligations of any regularly organized county, municipality, or State, or of the United States.

Mr. HOPKINS. I ask that the amendment be printed and that it go over with the other amendments.

The VICE-PRESIDENT. The proposed amendment will be printed in the reprint of the bill as pending.

Mr. CLAPP. I have talked with the chairman of the committee on this subject. Complaint has come to me that under the bill as it is framed now the department might make the same rule that they make with regard to depositing public funds to-day, limiting the amount of deposit by the capital of the bank. They might not do it in this case, but I think to put it beyond any question I should submit an amendment. It comes in after the word "received," in line 22, page 6.

The VICE-PRESIDENT. The proposed amendment will be read.

The SECRETARY. In section 11, page 6, line 22, after the word "received," insert:

In selecting the bank in which a deposit is to be made, such bank shall be selected without regard to the capital stock thereof.

Mr. KEAN. Ought it not to be the amount of capital stock?

Mr. CLAPP. I will change that.

Mr. HOPKINS. I ask that the amendment may go over.

Mr. BURKETT. I understand that all the amendments are going over that are offered, outside of the committee amendments.

The VICE-PRESIDENT. The amendment will be regarded as pending, under the rule. The amendments can not be acted upon now.

Mr. BURKETT. It is my understanding that all the amendments offered, outside of the committee amendments, are pending, and go over under the rule.

Mr. CUMMINS. It is apparent that we have now met the vital part of the bill, and I have an amendment which I desire to propose. I ask that it be printed and go over.

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from Iowa?

Mr. CLAPP. I should like to ask that the words "amount of the" be inserted, so as to read "without regard to the amount of the capital stock thereof."

The VICE-PRESIDENT. That amendment will be included in the reprint. The Senator from Iowa offers an amendment, which will be read.

Mr. CUMMINS. It also refers to section 10, but it may be considered together.

The SECRETARY. It is proposed to strike out all of section 10 and also to strike out section 11 and to substitute therefor the following:

SEC. 10. That the Postmaster-General shall as herein provided deposit postal savings depository funds received at the post-office in any city, town, or village in the bank or banks organized under the national law, or a state or territorial law and doing business in such city, town or village; and if in any such city, town, or village there be no such bank, or if the funds have been received at a post-office not within a city, town, or village, then in the nearest bank or banks in the State or Territory: *Provided, however,* That no depository funds shall be deposited in any bank organized under a state or territorial law unless the laws of the State or Territory in which it is located require public supervision and examination: *And provided further,* That such examination shows the bank to be solvent not only as to creditors but with unimpaired capital.

Before a deposit is made in any bank as above authorized the bank shall agree to pay interest thereon computed upon the daily balance at the rate of not less than 2½ per cent per annum. Each bank receiving deposits under the authority of this act shall, from time to time, give such suitable bond or bonds, with surety or sureties, to be approved by the Postmaster-General, as will indemnify the Government against loss. If the banks herein described as the banks in which the funds are to be deposited refuse to accept a deposit or deposits upon the terms and conditions above prescribed, then and in such case the Postmaster-General may use any bank designated by him and complying with said terms and conditions for such deposit or deposits; or he may invest the same in state, territorial, county, or municipal bonds, to be selected by him with the approval of the Secretary of the Treasury and the Attorney-General. Interest and profits shall be applied first to the payment of interest accruing to depositors in postal savings depositories as hereinbefore provided, and the excess thereof, if any, shall be covered into the Treasury as part of the postal revenues. For the purposes of this act the word "Territory" as used herein shall be held to include the District of Columbia, the district of Alaska, and Porto Rico.

Strike out the figures "12," in line 15, on page 7, and substitute the figures "11."

Strike out the figures "13," in line 25, on page 7, and substitute the figures "12."

Strike out the figures "14," in line 9, on page 8, and substitute the figures "13."

Strike out the figures "15," in line 21, on page 8, and substitute the figures "14."

Strike out the figures "16," in line 8, on page 9, and substitute the figures "15."

Strike out the figures "17," in line 1, on page 10, and substitute the figures "16."

The VICE-PRESIDENT. Does the Senator from Iowa desire to have the amendment printed and lie on the table to be offered later?

Mr. CUMMINS. I desire to have it printed as the other amendments which have been proposed, and that it lie on the table to be considered at a future time.

The VICE-PRESIDENT. The amendment will be printed with the reprint of the bill.

Mr. CARTER. I ask that the bill, as amended, be printed, and that the reprint include the amendment to section 7 marked by brackets so as to indicate that the amendment is pending.

The VICE-PRESIDENT. Without objection, it is so ordered.

Mr. GORE. I offer the amendment which I send to the desk and ask that it be read and lie on the table.

The VICE-PRESIDENT. The amendment intended to be proposed by the Senator from Oklahoma will be stated.

The SECRETARY. In section 11, page 7, line 1, after the word "whatsoever," it is proposed to insert the following:

Where it is not practicable to deposit such funds in any national bank or banks in the counties, States, or Territories where they are received they may be deposited on the terms and conditions herein above provided in any state bank, savings bank, or other banking association organized under the laws of the State or Territory where the deposits are received, whenever such banking association shall make application therefor and shall furnish security consisting of United State bonds or the bonds of any State, county, municipality, or Territory, or any other security which may be satisfactory to the Postmaster-General.

The VICE-PRESIDENT. The proposed amendment will be printed and lie on the table.

Mr. CARTER. I move that the Senate proceed to the consideration of executive business.

Mr. ALDRICH. I should like to ask the Senator from Montana if the amendments of the committee have all been adopted?

Mr. CARTER. All except one that will be printed in the text in the appropriate place, marked "pending."

The VICE-PRESIDENT. The Chair would suggest that there are some pending committee amendments to the bill in the paragraphs of the bill not yet reached in the reading. The reading has not been completed beyond section 11.

Mr. CARTER. The committee has no further amendments to offer beyond section 11.

The VICE-PRESIDENT. There are several amendments indicated in the bill.

Mr. CARTER. They are formal amendments, changing the word "banks" to the word "depositories." I ask unanimous consent that those formal amendments be considered as agreed to all the way through the bill.

The VICE-PRESIDENT. Without objection, the formal amendments referred to will be considered as agreed to. The bill will be printed with the pending amendments appropriately indicated.

Mr. ALDRICH. Mr. President, I ask the Senator from Montana to yield to me for a moment. I desire to have printed in the RECORD a statement of the comparative number of banks of all classes in the United States in 1900 and 1908. There seems to be quite a misapprehension in some quarters as to the banking facilities of the people of the United States. We have 25,000 banks in the United States to-day. We had about 11,000 eight years ago. At the present rate of increase, I think there will be but very few communities in the United States which will not soon have adequate banking facilities. I ask that the statement I hold in my hand may be printed in the RECORD and also as a document. I make the same request as to the letter from the Postmaster-General, which I send to the desk.

The VICE-PRESIDENT. The Senator from Rhode Island asks that the table and the letter submitted by him be printed in

the RECORD and also as a document. Without objection, it is so ordered.

The statement and letter (S. Doc. No. 637) referred to are as follows:

Statement showing the number of national and other banks in the United States on or about June 30, 1900, and July 15, 1908, together with increase or decrease of each State.

States, etc.	June, 1900.[a]						July 15, 1908.[b]						Total decrease.	Total increase.
	National.	State.	Loan and trust.	Private.	Savings.	Total.	National.	State.	Loan and trust.	Private.	Savings.	Total.		
Maine	82	-------	17	-------	51	150	77	-------	39	-------	52	168	-------	18
New Hampshire	55	9	-------	-------	58	122	57	9	-------	-------	61	127	-------	5
Vermont	48	-------	-------	-------	41	89	51	-------	-------	-------	48	99	-------	10
Massachusetts	248	-------	34	-------	186	468	198	-------	52	-------	189	439	29	-------
Rhode Island	47	4	6	-------	29	86	22	3	12	-------	18	55	31	-------
Connecticut	83	8	14	-------	88	193	80	7	25	-------	87	199	-------	6
Total New England States	563	21	71	-------	453	1,108	485	19	128	-------	455	1,087	60	39
New York	335	200	59	15	128	737	423	200	88	7	137	855	-------	118
New Jersey	114	20	30	-------	26	190	173	18	75	-------	26	292	-------	102
Pennsylvania	452	95	97	28	14	686	765	130	327	16	14	1,252	-------	566
Delaware	19	2	2	-------	2	25	27	4	8	-------	2	41	-------	16
Maryland	69	26	6	6	18	125	101	54	10	6	17	188	-------	63
District of Columbia	12	-------	4	-------	4	20	11	-------	5	-------	11	27	-------	7
Total Eastern States	1,001	343	198	49	192	1,783	1,500	406	513	29	207	2,655	-------	872
Virginia	40	95	-------	-------	-------	135	105	235	-------	2	-------	342	-------	207
West Virginia	38	83	-------	-------	6	127	95	171	-------	1	1	268	-------	141
North Carolina	30	54	-------	25	9	118	68	260	-------	2	22	352	-------	234
South Carolina	16	27	-------	-------	11	54	29	211	-------	4	18	262	-------	208
Georgia	28	144	-------	9	-------	181	96	458	-------	11	-------	565	-------	384
Florida	15	23	-------	-------	1	39	39	98	-------	7	3	147	-------	108
Alabama	28	20	-------	-------	-------	48	76	187	-------	9	-------	272	-------	224
Mississippi	12	101	-------	-------	-------	113	29	316	-------	-------	-------	345	-------	232
Louisiana	20	56	-------	-------	2	78	36	182	-------	-------	-------	218	-------	140
Texas	207	-------	-------	41	2	250	533	319	-------	37	-------	889	-------	639
Arkansas	7	39	-------	3	-------	49	40	124	-------	-------	-------	164	-------	115
Kentucky	79	219	3	13	-------	314	145	426	26	-------	-------	597	-------	283
Tennessee	48	56	-------	-------	7	111	86	325	-------	-------	-------	411	-------	300
Total Southern States	568	917	3	91	38	1,617	1,377	3,312	26	73	44	4,832	-------	3,215
Ohio	266	164	-------	71	14	515	365	426	-------	196	3	990	-------	475
Indiana	117	96	12	68	5	298	242	257	91	198	5	793	-------	495
Illinois	233	155	-------	135	-------	523	409	417	3	157	-------	986	-------	463
Michigan	81	194	-------	48	-------	323	96	344	-------	56	-------	496	-------	173
Wisconsin	80	137	-------	127	1	345	130	443	12	-------	2	587	-------	242
Minnesota	76	188	6	47	11	328	262	607	4	14	14	901	-------	573
Iowa	177	214	-------	119	226	736	316	261	13	111	571	1,272	-------	536
Missouri	64	510	-------	90	-------	664	121	934	37	59	-------	1,151	-------	487
Total Middle States	1,094	1,658	18	705	257	3,732	1,941	3,689	160	791	595	7,176	-------	3,444
North Dakota	24	129	-------	-------	-------	153	131	421	-------	-------	-------	552	-------	399
South Dakota	26	109	-------	70	-------	205	89	431	-------	-------	-------	520	-------	315
Nebraska	108	405	-------	-------	-------	513	209	598	-------	14	11	832	-------	319
Kansas	103	384	-------	-------	-------	487	208	740	4	9	-------	961	-------	474
Montana	21	15	-------	6	-------	42	40	49	-------	5	-------	94	-------	52
Wyoming	13	9	-------	11	-------	33	30	43	-------	3	-------	76	-------	43
Colorado	37	30	-------	13	-------	80	114	64	11	51	8	248	-------	168
New Mexico	8	6	-------	-------	-------	14	41	26	-------	-------	-------	67	-------	53
Oklahoma	18	71	-------	-------	-------	121	308	494	-------	-------	-------	802	-------	681
Indian Territory	26	-------	-------	6	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------
Total Western States	384	1,158	-------	106	-------	1,648	1,170	2,866	15	82	19	4,152	-------	2,504
Washington	30	27	-------	8	-------	65	62	196	-------	4	-------	262	-------	197
Oregon	27	19	-------	2	-------	48	63	132	-------	6	-------	201	-------	153
California	38	178	-------	19	53	288	139	355	-------	19	133	646	-------	358
Idaho	9	8	-------	6	-------	23	38	114	-------	-------	-------	152	-------	129
Utah	11	20	-------	-------	9	40	20	56	-------	-------	-------	76	-------	36
Nevada	1	4	-------	1	-------	6	9	10	-------	3	-------	22	-------	16
Arizona	5	14	-------	-------	-------	19	13	29	-------	-------	-------	42	-------	23
Alaska	1	-------	-------	-------	-------	1	2	10	-------	-------	-------	12	-------	11
Total Pacific States	122	270	-------	36	62	490	346	902	-------	32	133	1,413	-------	923
Hawaii	-------	2	-------	2	-------	4	4	7	-------	-------	-------	11	-------	7
Porto Rico	-------	-------	-------	-------	-------	-------	1	9	-------	-------	-------	10	-------	10
Philippine Islands	-------	-------	-------	-------	-------	-------	-------	10	-------	-------	-------	10	-------	10
Total island possessions	-------	2	-------	2	-------	4	5	26	-------	-------	-------	31	-------	27
Total United States	3,732	4,369	290	989	1,002	10,382	6,824	11,220	842	1,007	1,453	21,346	60	11,024

NOTE.—Net gain, 10,964.

[a] Reports received from national banks June 29, 1900, and state and other banks on or about June 30, 1900.
[b] Reports received from national banks July 15, 1908, and state and other banks on or about June 30, 1908.

JANUARY 4, 1909.

MY DEAR SENATOR: In accordance with the request made when you called at the department a few days ago, I take great pleasure in sending you herewith a table showing the respective growth during recent years of the postal and other savings deposits of foreign countries.

In order to appreciate thoroughly the significance of the statistics brought together in this table, it is necessary that the rate of interest paid by postal savings banks in each of these countries should be taken into consideration. It will be found that wherever the postal savings banks are operated on a conservative basis the deposits in private savings banks have multiplied with great rapidity—usually much faster than those of the postal savings banks. It should also be borne in mind that the deposits in private banks, as shown in the table, are, except for the United Kingdom, savings deposits only and do not include the vastly larger amounts held on deposit by banks handling commercial accounts.

Mr. A. de Malarce, a political economist, in his "Historical Development of Post-Office Savings Banks," demonstrates that savings institutions fostered by private enterprise may exist and prosper side by side with postal savings banks. He says:

"It is worth mentioning in this connection that in a good many of the aforesaid countries the other well-administered savings banks have not ceased to prosper and to show steady progress, especially among the town populations, for instance in France, where the number of clients of private savings banks has risen from 4,199,228 to over 6,500,000 since the opening of the post-office savings bank in 1882."

I find that postal savings banks cater to a class of people distinct from those who patronize private institutions, and it is probable that a majority of these people would not deposit their savings at all but for the special facilities provided by their governments. To fully elucidate this point, I have only to quote from the 1907 report of the Comptroller of the Currency:

"That postal savings banks are favored by the smaller depositors is shown by comparison of the average deposit in postal savings banks

and all savings banks combined in those countries where both classes of institutions exist. Thus, in Austria the average savings account in the postal savings bank is only $22.39, against $187.32 in all savings banks. In Finland the average deposit in postal savings banks was $18.79, against $100.33 in all savings banks; in France $53.90, against $74.03; in Hungary $24.78, against $239.84; and in Russia $66.95, against $94.13."

If a corroboration of the comptroller's statement were needed, it could be found in this excerpt from L'Union Postale for September, 1904, relating to conditions in Austria, which typify those existing in many other countries:

"If the depositors are classed according to social position and profession, the largest participation is by children, school children, and students, who form 44 (1890, 48) per cent of all the depositors, which agrees with the above-mentioned preponderance of depositors below the age of 30. Artisans and laborers, with 14.3 (1890, 13) per cent, are more numerously represented than any other calling. Domestic servants also, with 8 per cent (as in 1890), form a not inconsiderable fraction of the clientele of the savings bank; 4.5 per cent of the deposit books belong to married women and widows; 2.1 per cent of the depositors are military men. State and parochial officers represent 1.5 per cent. The remaining 25.6 per cent are distributed among the members of a great variety of professions and callings, none of which, however, are especially predominant.

"These statistics prove that the savings bank finds special favor with the young. The number of children and school children who in 1893 made request for deposit books was 54,713.

"Of the above-mentioned books issued to youthful depositors, 432,839 were still in use at the end of 1893. The percentage among these books of accounts closed (39 per cent) is less than the usual percentage of accounts closed (46 per cent), a fact which shows the favorable influence which the impulse to save, given in youth, exerts in promoting constant habits of saving. The gratifying participation of youthful depositors which gives promise of good results in the future is ascribed in no small degree to the thankworthy efforts of the teachers and post-office officials. Namely, the rural letter carriers collect deposits when on their rounds. In 1893 they collected 42,452 separate sums, with a total value of 1,294,041.60 florins; in 1890 27,762 sums, value 962,376 florins."

A copy of a table showing rates of interest paid by the postal savings banks of foreign countries, which was originally compiled for Senator Carter, and formed part of a speech delivered by him in the Senate, is inclosed.

In Sweden alone, so far as I am able to learn, has there been any sustained decrease in postal savings deposits. The table made up for you shows a decrease in seven years of $2,512,445, and in the same time deposits in private savings banks increased $53,032,441. This appears to be primarily due to conditions which are epitomized in the following, taken from page 17 of the last annual report:

"Extract from an official report entitled 'Post-Office Savings Bank of Sweden in 1899:

"'Whereas in each of the fifteen previous financial years the amount of deposits exceeded that of the withdrawals, in 1899, on the contrary, the latter exceeded the former by not less than 6,132,286 crowns (a crown being equal to 26.8 cents). This unfavorable result is due on the one hand to the fact that private banks now also accept small deposits on terms much more advantageous than those of the post-office savings bank, as they allow depositors to withdraw higher sums without giving notice in advance. Accordingly a number of depositors who had invested their savings in the post-office savings bank when the rate of interest was higher than in private banks withdrew their capital to invest in the latter banks.'"

In Japan there has been an apparent decrease in seven years of $12,281,113 in the deposits of private savings banks, but this showing is probably largely the result of important changes in the banking system of Japan and the raising of their war loan.

The composite experience of other countries can not but confirm the wisdom of the provision in the proposed bill for the establishment of postal savings banks, which fixes the rate of interest at 2 per cent per annum.

Believe me,
Faithfully, yours, GEO. V. L. MEYER.

Hon. JULIUS C. BURROWS,
United States Senate.

Mr. PILES. I offer the amendment which I send to the desk, and ask that it be printed and lie on the table.

The VICE-PRESIDENT. The amendment intended to be proposed by the Senator from Washington will be stated.

The SECRETARY. In section 11, page 6, line 22, after the word "received," it is proposed to insert:

Where there are two or more national banks in the immediate vicinity each of such banks shall be designated as a depository, and deposits shall be made therein ratably according to their capital and surplus: *Provided*, That nothing herein contained shall require the Postmaster-General to make such deposits in any bank which he may deem to be unsafe.

The VICE-PRESIDENT. The amendment will be printed and lie on the table.

Mr. CARTER. Mr. President, it is frequently alleged, and I believe bankers sincerely believe, that the postal savings system which we here propose would injuriously affect the existing banks of the country. This is a prediction only, and, in order that the effect of like institutions upon the banks of other countries may be the better understood, I desire to have inserted in the RECORD a statement showing the amount of postal depository funds and the amount of deposits in other banks, from 1898 to 1905, inclusive, in Austria, France, Hungary, Italy, the Netherlands, Russia, Sweden, the United Kingdom, Canada, Japan, New South Wales, and New Zealand. A perusal of this paper will show that in actual experience, where the postal savings system exists, the banks are stronger, measured by their deposits as related to population and wealth, than before the adoption of the postal system.

I have likewise a table containing data showing the rate of interest, the minimum deposit allowed, the maximum deposit drawing interest, and the maximum of one account in the respective countries to which I have just referred. I ask that these tables be printed in the RECORD, following the statement of the Senator from Rhode Island.

Mr. HOPKINS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Illinois?

Mr. CARTER. Certainly.

Mr. HOPKINS. I ask the Senator also——

Mr. CULLOM. I rise to inquire of the Senator from Montana whether I did not hear him suggest an executive session.

Mr. CARTER. I was about to make that motion, but I yielded to the Senator from Rhode Island.

Mr. CULLOM. If the Senator is going to make that motion I will not do so.

Mr. HOPKINS. Before that is done, I will ask the Senator from Montana if he will also have the figures that he has just presented to the Senate printed as a public document, so that we can have them in more convenient form than in the RECORD.

The VICE-PRESIDENT. Without objection, the tables presented by the Senator from Montana will be printed in the RECORD without reading——

Mr. CARTER. And also as a document.

The VICE-PRESIDENT. And without objection, they will be printed as a public document.

The tables referred to are as follows:

Savings deposits in foreign countries.

Country.	1898.			1905.			Increase.		
	Postal.	Other.	Total.	Postal.	Other.	Total.	Postal.	Other.	Total.
Austria	$24,076,951	$357,127,547	$381,204,498	$42,536,862	$1,044,260,773	$1,086,797,635	$18,459,911	$687,133,226	$705,593,137
France	[a] 162,932,086	[a] 661,429,700	[a] 824,361,786	[b] 258,374,735	[c] 702,125,872	960,500,607	95,442,649	40,693,172	136,138,821
Hungary	5,368,784	130,340,007	135,708,791	13,975,300	506,886,128	520,861,428	8,606,516	376,546,121	385,152,637
Italy	[d] 89,166,000	[d] 344,152,587	[d] 433,318,587	206,224,600	349,609,671	555,834,271	117,058,600	5,457,084	122,515,684
Netherlands	28,144,884	31,643,832	59,788,716	52,231,689	37,061,988	89,293,677	24,086,805	5,418,156	29,504,961
Russia	42,800,963	233,866,307	276,637,270	88,613,475	855,237,197	944,850,672	45,812,512	622,370,890	668,183,402
Sweden	17,161,004	111,337,103	128,498,107	14,648,559	164,369,544	179,018,103	[e] 2,512,445	53,032,441	50,519,996
United Kingdom	599,280,758	[f] 3,598,747,551	4,198,028,309	740,248,862	[f] 4,026,347,440	4,766,596,302	140,968,104	427,599,889	568,567,993
Canada	34,480,938	15,482,100	49,963,038	45,368,321	25,050,966	70,419,287	10,887,383	9,568,866	20,453,249
Japan	10,940,327	46,642,188	57,582,515	27,015,890	34,361,075	61,376,965	16,075,533	[e] 12,281,113	3,794,450
New South Wales	24,459,365	21,679,649	46,139,014	38,702,715	26,986,528	65,689,243	14,243,350	5,306,879	19,550,229
New Zealand	24,126,993	3,840,233	27,967,226	42,153,735	10,875,255	53,028,990	18,026,742	7,035,022	[g] 25,061,764

[a] 1897.
[b] 1906.
[c] 1907.
[d] 1895.
[e] Decrease.
[f] "Joint stock" banks. The banks of the United Kingdom which accept only savings deposits do not report on their operations, so that statistics concerning them are very incomplete.
[g] There is but one bank in New Zealand which may be properly termed a savings bank—the Savings Bank of Victoria—and it is operated in conjunction with the postal savings banks. Concerning this state of affairs a recent British official report states: "On June 30, 1905, the Savings Bank of Victoria, with which have been amalgamated the post-office savings banks, had 54 banks and branches with 328 agencies at post-offices in the States."

Data relating to the postal savings banks of foreign countries.

Country.	Rate of interest.	Minimum deposit.	Maximum drawing interest.	Maximum of one account.
EUROPE.				
Austria	3 per cent	[a] $0.203	$406.00	$406.00
Belgium	3 per cent up to $386; 2 per cent on excess	.193	No limit.	[b] No limit.
Bulgaria	4 per cent	.193	Individuals 386.00; Institutions 965.00	Individuals 386.00; Institutions 965.00
France	2½ per cent	.193	Individuals 289.50; Institutions 2,895.00	Individuals 289.50; Institutions 2,895.00
Hungary	3 per cent	.203	Individuals 812.00; Institutions 1,624.00	Individuals 812.00; Institutions 1,624.00
Italy	2.04 per cent [c]	.193	386.00	No limit.
Netherlands	2.64 per cent	[a] .1005	Individuals 482.40; Institutions 964.80	Individuals 482.40; Institutions 964.80
Sweden	3.6 per cent	.268	536.00	536.00
United Kingdom	2½ per cent	.243	[d] 973.30	973.30
NORTH AND SOUTH AMERICA.				
Bahamas	2½ per cent	.243	973.30	973.30
British Guiana	2.40 per cent	(f)	1,500.00	1,500.00
Canada	3 per cent	1.00	[e] 3,000.00	3,000.00
ASIA.				
British India	3 per cent and 3½ per cent [g]	.081	Adults 648.86; Minors 324.43	Adults 1,622.16; [h] Minors 1,297.73
Ceylon	2.4 per cent	.507	648.86	(i)
Straits Settlements	3 per cent	.487	731.27	731.27
Dutch East Indies	2.4 per cent	.1005	964.80	964.80
Japan	4.8 per cent	.05	249.00	(f)
AFRICA.				
Cape Colony	3 per cent	.243	2,919.90	2,919.90
Egypt	2½ per cent	Initial .989; Later .247	988.60	988.60
Orange River Colony	3 per cent	.243	2,433.25	2,919.90
Sierra Leone	2½ per cent	.243	2,433.25	2,433.25
Transvaal	3¼ per cent	.243	2,433.25	2,919.90
AUSTRALASIA.				
New South Wales	3 per cent	.243	2,433.25	Not given.
New Zealand	3½ per cent up to $1,459.95; 3 per cent on excess	.243	2,433.25	2,919.90

[a] This may consist of stamps of small denominations.
[b] Not more than $965 may be deposited in any period of two weeks by one person.
[c] In 1905. From 1876 to 1878 the interest rate was 3 per cent; 1879 to 1886, 3½ per cent; 1887 to 1895, 3¼ per cent; 1896 and 1897, 3 per cent; 1898 to 1901, 2.88 per cent; 1902 to 1904, 2.76 per cent.
[d] Not more than $243.32 may be deposited in any one year by any person.
[e] Not more than $1,000 may be deposited in any one year by any person.
[f] Minimum deposit not stated. The smallest amount upon which interest is paid is $5.
[g] Interest at the rate of 3 per cent is paid on deposits "at call;" at the rate of 3½ per cent on those requiring six months' notice of withdrawal.
[h] Not more than $389.32 may be deposited in any one year by one person.
[i] $324.43 yearly, or $973.30 in all, may be deposited by one person for investment in government bonds.
[j] Should more than $249 be deposited, the excess is invested in government bonds.

Mr. BURKETT. Mr. President, as I understand, the Senator from Rhode Island [Mr. ALDRICH] asked to have a statement printed in the RECORD. I have a statement which I had made up including not only the number of banks, but also the number of money-order post-offices and the population by States, the number of savings-bank depositors and the average deposits. I should like to have this printed also.

The VICE-PRESIDENT. The Senator from Nebraska asks unanimous consent that the statement presented by him be printed in the RECORD without reading. Without objection, it is so ordered.

The statement referred to is as follows:

Number of savings banks, number of commercial banks, total number of banks, number of money-order post-offices, population (estimated by government actuary), number of savings-bank depositors, and their average deposit in savings banks, by States, as shown by the records of the Comptroller of the Currency on or about June 30, 1908.

State.	Number savings banks.	Number commercial banks.	Total banks.	Money-order post-offices.	Population, estimated by government actuary.	Number savings banks' depositors.	Average to each depositor.
Maine	52	116	168	740	720,000	225,346	$379.43
New Hampshire	61	66	127	388	440,000	186,610	437.49
Vermont	48	51	99	394	351,000	159,841	378.46
Massachusetts	189	250	439	659	3,100,000	1,971,644	358.55
Rhode Island	18	37	55	109	510,000	121,561	547.79
Connecticut	87	112	199	363	1,050,000	539,873	473.75
Total New England States	455	632	1,087	2,653	6,171,000	3,204,875	392.38
New York	137	718	855	2,325	8,560,000	2,719,598	506.78
New Jersey	26	266	292	662	2,310,000	282,014	328.46
Pennsylvania	14	1,238	1,252	2,949	7,175,000	452,638	354.89
Delaware	2	39	41	85	197,000	31,396	281.25
Maryland	17	171	188	556	1,323,000	213,524	367.50
District of Columbia	11	16	27	1	350,000	46,871	129.17
Total Eastern States	207	2,448	2,655	6,578	19,915,000	3,746,041	460.45
Virginia		342	342	1,474	2,020,000		
West Virginia	1	267	268	888	1,118,000	4,858	226.32
North Carolina	22	330	352	977	2,120,000	36,492	157.85
South Carolina	18	244	262	528	1,500,000	21,698	363.71
Georgia		565	565	943	2,540,000		
Florida	3	144	147	624	660,000	4,209	200.09
Alabama		272	272	915	2,098,000		
Mississippi		345	345	811	1,783,000		

Number of savings banks, number of commercial banks, total number of banks, number of money-order post-offices, etc.—Continued.

State.	Number savings banks.	Number commercial banks.	Total banks.	Money-order post-offices.	Population, estimated by government actuary.	Number savings banks' depositors.	Average to each depositor.
Louisiana		218	218	668	1,612,000		
Texas		889	889	1,692	3,739,000		
Arkansas		164	164	854	1,458,000		
Kentucky		597	597	984	2,398,000		
Tennessee		411	411	832	2,239,000		
Total Southern States	44	4,788	4,832	12,190	25,285,000	67,257	$231.89
Ohio	3	987	990	1,622	4,572,000	99,668	541.10
Indiana	5	788	793	1,076	2,813,000	31,393	364.13
Illinois		986	986	1,624	5,675,000	617,782	[a] 293.57
Michigan		493	499	1,193	2,615,000		
Wisconsin	2	585	587	977	2,320,000	5,799	187.10
Minnesota	14	887	901	933	2,120,000	91,718	237.68
Iowa	571	701	1,272	1,239	2,240,000	364,523	364.17
Missouri		1,151	1,151	1,411	3,438,000		
Total Middle Western States	595	6,581	7,176	10,108	25,823,000	1,210,883	332.28
North Dakota		552	552	505	490,000		
South Dakota		520	520	413	490,000		
Nebraska	11	821	832	702	1,076,000	14,862	145.32
Kansas		961	961	989	1,640,000		
Montana		94	94	316	325,000		
Wyoming		76	76	182	110,000		
Colorado	8	240	248	498	640,000	10,775	311.00
New Mexico		67	67	245	226,000		
Oklahoma		802	802	893	1,291,000		
Total Western States	19	4,133	4,152	4,743	6,288,000	25,637	215.00
Washington		262	262	616	650,000		
Oregon		201	201	479	494,000		
California	133	513	646	1,198	1,700,000	451,155	564.54
Idaho		152	152	310	229,000		
Utah		76	76	213	332,000		
Nevada		22	22	119	42,000		
Arizona		42	42	151	153,000		
Alaska		12	12	37	90,000		
Total Pacific States	133	1,280	1,413	3,123	3,690,000	451,155	564.54

[a] Included in abstract of state banks having savings departments.

EXECUTIVE SESSION.

Mr. CARTER. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After twenty minutes spent in executive session the doors were reopened, and (at 4 o'clock and 10 minutes p. m.) the Senate adjourned until tomorrow, Thursday, January 7, 1909, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 6, 1909.

COLLECTOR OF CUSTOMS.

Frederick S. Stratton, of California, to be collector of customs for the district of San Francisco, in the State of California. (Reappointment.)

PROMOTION IN THE ARMY.

INFANTRY ARM.

First Lieut. G. Arthur Hadsell, Nineteenth Infantry, to be captain from December 24, 1908, vice Minus, Sixteenth Infantry, retired from active service.

APPOINTMENTS IN THE ARMY.

MEDICAL RESERVE CORPS.

To be first lieutenants, with rank from January 4, 1909.

James M. Anders, of Pennsylvania.
William Easterly Ashton, of Pennsylvania.
L. Webster Fox, of Pennsylvania.
Ernest Laplace, of Pennsylvania.
Charles Alfred Lee Reed, of Ohio.
William Louis Rodman, of Pennsylvania.
John V. Shoemaker, of Pennsylvania.

COAST ARTILLERY CORPS.

Robert Clifton Garrett, of New Mexico, to be second lieutenant, with rank from January 4, 1909.

PROMOTIONS IN THE NAVY.

Asst. Paymaster Leon N. Wertenbaker to be a passed assistant paymaster in the navy from the 8th day of July, 1908, upon the completion of three years' service in present grade.

Second Lieut. Harold H. Utley to be a first lieutenant in the United States Marine Corps from the 10th day of July, 1908, vice First Lieut. Albert N. Brunzell, promoted.

POSTMASTERS.

ARIZONA.

W. Weiss to be postmaster at Clifton, Ariz., in place of Hugh M. Watson, resigned.

COLORADO.

Claude B. Carter to be postmaster at Leadville, Colo., in place of John Alfred, deceased.

CONNECTICUT.

Jerome S. Gainer to be postmaster at Noroton Heights, Conn. Office became presidential January 1, 1909.

GEORGIA.

William C. Cole to be postmaster at Lawrenceville, Ga., in place of William C. Cole. Incumbent's commission expires January 13, 1909.

William R. Watson to be postmaster at Lithonia, Ga., in place of William R. Watson. Incumbent's commission expired December 13, 1908.

ILLINOIS.

Omer N. Custer to be postmaster at Galesburg, Ill., in place of Francis A. Freer, deceased.

George M. Thompson to be postmaster at Bement, Ill., in place of George M. Thompson. Incumbent's commission expires January 11, 1909.

Joel P. Watson to be postmaster at Ashley, Ill., in place of Joel P. Watson. Incumbent's commission expired December 12, 1908.

KANSAS.

John P. Lang to be postmaster at Sylvan Grove, Kans. Office became presidential January 1, 1909.

Floyd E. Richmond to be postmaster at Logan, Kans., in place of Floyd E. Richmond. Incumbent's commission expires January 9, 1909.

Warren D. Vincent to be postmaster at Hoisington, Kans., in place of Warren D. Vincent. Incumbent's commission expired December 13, 1908.

LOUISIANA.

Edgar A. Barrios to be postmaster at Lockport, La. Office became presidential January 1, 1909.

MASSACHUSETTS.

George A. Birnie to be postmaster at Ludlow, Mass., in place of George A. Birnie. Incumbent's commission expires January 23, 1909.

Charles E. Brady to be postmaster at Sandwich, Mass., in place of Charles E. Brady. Incumbent's commission expired December 8, 1908.

MICHIGAN.

Oliver D. Carson to be postmaster at Galesburg, Mich., in place of Oliver D. Carson. Incumbent's commission expired December 12, 1908.

Frank A. Kenyon to be postmaster at East Jordan, Mich., in place of Frank A. Kenyon. Incumbent's commission expired December 12, 1908.

Newton E. Miller to be postmaster at Athens, Mich. Office became presidential January 1, 1909.

MINNESOTA.

William H. Smith to be postmaster at Cambridge, Minn., in place of William H. Smith. Incumbent's commission expires January 23, 1909.

MISSOURI.

Elmer E. Hart to be postmaster at Eldon, Mo., in place of Elmer E. Hart. Incumbent's commission expires January 21, 1909.

Francis M. Jones to be postmaster at Winona, Mo. Office became presidential January 1, 1908.

John A. Knowles to be postmaster at Flat River, Mo., in place of John A. Knowles. Incumbent's commission expires January 14, 1909.

MONTANA.

Emma Dimmick to be postmaster at Eureka, Mont. Office became presidential January 1, 1909.

Henry I. Grant to be postmaster at Columbus, Mont. Office became presidential January 1, 1909.

Benjamin T. Stevens to be postmaster at Harlowton, Mont. Office became presidential January 1, 1909.

NEVADA.

Eugene L. Dutertre to be postmaster at Golconda, Nev. Office became presidential January 1, 1909.

OHIO.

Charles E. Ainger to be postmaster at Andover, Ohio, in place of Charles E. Ainger. Incumbent's commission expired December 13, 1908.

John C. Burrow to be postmaster at Cortland, Ohio, in place of John C. Burrow. Incumbent's commission expired December 13, 1908.

OKLAHOMA.

William T. Barrett to be postmaster at Carmen, Okla., in place of William T. Barrett. Incumbent's commission expires January 9, 1909.

OREGON.

Ella V. Powers to be postmaster at Canyon City, Oreg. Office became presidential January 1, 1909.

PENNSYLVANIA.

Julia C. Gleason to be postmaster at Villanova, Pa., Office became presidential January 1, 1909.

SOUTH DAKOTA.

John D. Cotton to be postmaster at Parker, S. Dak., in place of John D. Cotton. Incumbent's commission expired May 7, 1906.

TEXAS.

Lyman E. Robbins to be postmaster at Quanah, Tex., in place of Lyman E. Robbins. Incumbent's commission expires January 10, 1909.

UTAH.

James Clove to be postmaster at Provo, Utah, in place of James Clove. Incumbent's commission expired December 14, 1908.

VERMONT.

David K. Simonds to be postmaster at Manchester, Vt., in place of David K. Simonds. Incumbent's commission expired December 12, 1908.

WEST VIRGINIA.

Paul H. Metcalf to be postmaster at Williamstown, W. Va. Office became presidential January 1, 1909.

WISCONSIN.

Charles E. Bartlett to be postmaster at Cameron, Wis. Office became presidential January 1, 1909.

Frank K. Havens to be postmaster at Prescott, Wis. Office became presidential January 1, 1909.

Alfred S. Otis to be postmaster at Maiden Rock, Wis. Office became presidential January 1, 1909.

James W. Simmons to be postmaster at Corliss, Wis. Office became presidential April 1, 1908.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 6, 1909.

JUDGES OF THE CIRCUIT COURT OF HAWAII.

John A. Matthewman, of Hawaii, to be judge of the circuit court of the third circuit of the Territory of Hawaii.

J. Hardy, of Hawaii, to be judge of the circuit court of the fifth circuit of the Territory of Hawaii.

Charles F. Parsons, of Hawaii, to be judge of the circuit court of the fourth circuit of the Territory of Hawaii.

PROMOTIONS IN THE NAVY.

The following-named midshipmen to be ensigns in the navy from the 13th day of September, 1908:

Gardner L. Caskey,
John B. Rhodes,
Philip G. Lauman,
Arthur W. Frank,
Albert C. Read,
George H. Bowdey,
Ralph T. Hanson,
Robert A. Theobald,
Richard Hill,
Fletcher C. Starr,
William L. Beck,
Alfred W. Brown, jr.,
Frank Russell,
Guy E. Baker,
John A. Monroe,
William F. Newton,
David A. Scott,
Willis W. Bradley, jr.,
David G. Copeland,
Raymond A. Spruance,
Calvin P. Page,
Earle F. Johnson,
Henry K. Hewitt,
Felix X. Gygax,
Guy E. Davis,
Weyman P. Beehler,
Lemuel M. Stevens,
Warren C. Nixon,
John W. W. Cumming,
Charles R. Clark,
Chester H. J. Keppler,
Charles A. Dunn,
Frederick W. Milner,
Charles G. Davy,
Horace T. Dyer,
Charles C. Gill,
Augustin T. Beauregard,
Damon E. Cummings,
Russell S. Crenshaw,
Robert A. Burford, jr.,
Warren G. Child,
Herbert S. Babbitt,
William H. Lee,
Bryson Bruce,
William P. Williamson,
Randall Jacobs,
Vaughn V. Woodward,
Richard S. Edwards,
Robert T. S. Lowell,
Clyde R. Robinson,
Richard T. Keiran,
Ralph C. Needham,
James B. Howell,
Charles C. Slayton,
John H. Hoover,
Louis H. Maxfield,
Raymond F. Frellsen,
William H. Walsh,
Alfred W. Atkins,
Claude A. Jones,
Harry Campbell,
George W. Kenyon,
Allan S. Farquhar,
Lucien F. Kimball,

Harold M. Bemis,
John M. Schelling, and
Bert B. Taylor.

REAR-ADMIRAL.

Capt. William W. Kimball to be a rear-admiral in the navy.

POSTMASTERS.

CALIFORNIA.

Josiah R. Baker to be postmaster at Antioch, Cal.

FLORIDA.

Enoch E. Skipper to be postmaster at Bartow, Fla.

OREGON.

Jesse N. Baskett to be postmaster at Freewater, Oreg.
Nathan E. Chambless to be postmaster at Arleta, Oreg.
Charles W. Merrill to be postmaster at Bend, Oreg.
George M. Richey to be postmaster at Lagrande, Oreg.

WEST VIRGINIA.

Joseph Williams to be postmaster at St. Marys, W. Va.

WASHINGTON.

Samuel F. Street to be postmaster at Edmunds, Wash.

ARBITRATION WITH ARGENTINE REPUBLIC.

The injunction of secrecy was removed from an arbitration convention between the United States and the Argentine Republic, signed at Washington on December 23, 1908.

ARBITRATION WITH THE REPUBLIC OF SALVADOR.

The injunction of secrecy was removed from an arbitration convention between the United States and the Republic of Salvador, signed at Washington on December 21, 1908.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *January 6, 1909.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D.

The Journal of the proceedings of yesterday was read and approved.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. GARDNER of Michigan. Mr. Speaker, I am directed by the Committee on Appropriations to report the District of Columbia appropriation bill, making appropriations for the expenses of the District for the fiscal year ending June 30, 1910.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 25392) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1910, and for other purposes.

Mr. BOWERS. Mr. Speaker, I desire to reserve all points of order on the bill.

The SPEAKER. The gentleman from Mississippi reserves all points of order on the bill, which bill is referred to the Committee of the Whole House on the state of the Union.

Mr. GARDNER of Michigan. Mr. Speaker, I desire to give notice I will call up this bill for consideration to-morrow morning.

CALL OF COMMITTEES.

The SPEAKER. The Clerk will proceed to call the next committee.

When the Committee on Military Affairs was called,

ARMY OFFICERS WITH INCREASED RANK.

Mr. HULL of Iowa. Mr. Speaker, I desire to call up the bill S. 653.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

An act (S. 653) to authorize commissions to issue in the cases of officers of the army retired with increased rank.

Be it enacted, etc., That officers of the army on the retired list whose rank has been, or shall hereafter be, advanced by operation of or in accordance with law shall be entitled to and shall receive commissions in accordance with such advanced rank.

Mr. HULL of Iowa. Mr. Speaker, I desire to move an amendment, I do not know the line in the Senate bill, but to insert after the word "Army" the words "Navy and Marine Corps" so that it will read, "officers of the Army, Navy, and Marine Corps."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

In line 3, after the word "Army," insert the words "Navy and Marine Corps."

Mr. MANN. Mr. Speaker, before the amendment is offered I wish the gentleman would give the reasons for the bill.

Mr. PAYNE. I wish he would give the reasons and also the result.

Mr. HULL of Iowa. Under the act of April 23, 1904, officers of the army who have served in the civil war, whether on the active or retired list, were advanced one grade. In other words, a captain became a major, with rank, pay, and allowances. The navy had already passed a bill of this kind affecting the naval active officers and afterwards passed one affecting retired officers. Now, those who are on the active list of the army get this rank, pay, and commission and those on the retired list get the rank and pay, but have no commission. Now, officers of the army on the retired list would like to have a commission. It does not increase the rank or pay. The Naval Committee requested the same action in regard to the officers on the retired list of the navy and the chairman of the Committee on Naval Affairs, and, I think, all the other members of the committee, united in requesting this amendment being offered, and said if I would notify them when it came up they would be glad to offer it. It places all on an equality and has no effect except to give a commission and the rank and pay to which the Congress of the United States has already advanced them.

Mr. MANN. If the Congress has advanced them to this rank, why do not they have a commission? What is the purpose of the bill? I have read this bill and read the report of the War Department, but can not get it through my head yet what they want and why they want it and what good it will do.

Mr. HULL of Iowa. The purpose of the bill is——

Mr. MANN. I can not get it through my head yet what they want.

Mr. HULL of Iowa. It gives them a commission. It gives them no additional pay. It gives them a commission the same as if they had been on the active list.

Mr. MANN. Take the case that was referred to in the newspapers a few days ago, and will the gentleman tell us how it will operate in that case? The papers stated a few days ago that a certain officer of the army had been declared to be incapable physically of promotion in the army, and thereupon he was ordered retired because of his physical incapacity at a higher grade than he then had, in order that he might accompany the President to Africa, where I suppose physical capacity is as much required as in any other place. Is it possible under existing law for such a thing as that to occur, or is that a newspaper mistake?

Mr. HULL of Iowa. I want to say that as far as this bill is concerned it would not affect that case in the slightest degree one way or the other. The man he refers to has no civil-war record. If the gentleman will remember, we passed an act that was approved April 23, 1904, as follows:

That any officer of the army below the grade of brigadier-general, who served with credit as an officer, or any enlisted man in the Regular or Volunteer forces during the civil war prior to April 9, 1865, otherwise than as a cadet, and whose name is borne on the official register of the army, and who has heretofore been, or may hereafter be, retired on account of wounds or disability incident to the service, or on account of age or after forty years' service, may, in the discretion of the President, by and with the advice and consent of the Senate, be placed on the retired list of the army with the rank and retired pay of one grade above that actually held by him at the time of retirement.

Now, the case the gentleman refers to has nothing whatever to do with this bill, and under no circumstances could he be a beneficiary of it.

Mr. MANN. That may be a matter of argument.

Mr. HULL of Iowa. No; it is not.

Mr. MANN. If the gentleman is positive about it, I will take his assurance, and perhaps he will give further assurance then. The statement in the papers was that this man had been retired, on three-quarters pay, I suppose, at an advanced grade; and that he was now ordered to duty at his full pay at the advanced grade in order to accompany the President to Africa. I take it that it is not possible, not intended, and that it was a newspaper story, but I would like the authority of the gentleman.

Mr. HULL of Iowa. I want to say to the gentleman, under the laws of this country, if a man serves up to the time he is entitled to promotion and a vacancy occurs, and he is not able to discharge the duties on account of physical disabilities, he is promoted to that and retired at the grade he has earned by service. That is the case, probably, of this officer. That is the present law. The case we are legislating on now refers to those officers of the Army, Navy, and Marine Corps who had creditable service in the civil war otherwise than as a cadet.

Mr. MANN. I wanted to get the gentleman to deny this libel on the President.

Mr. HULL of Iowa. The gentleman wants me to deny something I do not know anything about.

Mr. MANN. Is it possible under the existing law to advance a man one grade on the ground that he is physically incapacitated, retire him on three-quarters pay, and thereupon immediately order him to accompany an ex-President of the United States, on full pay, at an advanced grade, in some foreign country?

Mr. HULL of Iowa. Mr. Speaker, it is possible to retire him at an advanced grade if he has earned the grade before being retired and served right up to that. It is not possible, in my judgment, to order any retired officer on any duty of that character.

Mr. MANN. Or any officer.

Mr. HULL of Iowa. Or any other officer. No; I should say he had no power, and yet it is hard to tell just where the limitation comes on the power of the President as Commander in Chief of the Army and Navy to order an officer anywhere or a ship anywhere. The President has entire charge of it.

Mr. MANN. No; I do not think the President has issued any such order. I was calling attention to the newspaper report that the present President had ordered an army officer to accompany the ex-President after the President's term had expired.

Mr. HULL of Iowa. I would say not.

Mr. CLARK of Missouri. Perhaps he discovered some miraculous cure after he got his promotion.

Mr. HULL of Iowa. This is a very common thing for officers who have served right up to the time and are entitled to the grade on retiring. The only question, as I understood the gentleman from Illinois, was, Has this order been taken some advantage of? I should say not. I do not believe it has.

Mr. MANN. I do not believe it has. I believe it is a libel on the President.

Mr. HULL of Iowa. I have no information on the subject.

Mr. MANN. I have not heard of anybody being placed in the "Ananias Club" on account of it, and I thought I would ask for information.

Mr. HULL of Iowa. If you should go to work and credit every statement that has been seen in the newspapers, the membership of the "Ananias Club" would be a majority and the rest of us would be in a bad fix. [Laughter.]

Mr. MADDEN. Does this bill deal with officers of the civil war who are not graduates of the Military Academy?

Mr. HULL of Iowa. Oh, yes.

Mr. MADDEN. By this bill do you place all such officers who served in the civil war, on the pay roll of the Government, on the retired list?

Mr. HULL of Iowa. No, sir. Those who served during the civil war and were then appointed to the Regular Army and served in the Regular Army until they were retired are now on the retired list as of the Regular Army.

Mr. MADDEN. Why does not this bill place the men who served in the civil war as officers, and performed valiant services for the country, who were not appointed officers in the Regular Army, but have been making their livelihood by other means since the war—why were they not included in this proposition? Are they not entitled to it?

Mr. HULL of Iowa. It would be impossible to include all the officers that the gentleman speaks of in a bill of this character.

Mr. MADDEN. Why?

Mr. HULL of Iowa. This bill is only to give commissions to men who already have the rank and pay as retired officers. It simply provides for issuing a commission to them, for a position Congress has already given them. The other bill deals with a very different proposition.

Mr. MADDEN. Why?

Mr. HULL of Iowa. It is to create another line of officers on the retired list, practically another retired list. This simply gives these men a commission for a position of which they have the regular rank and pay now.

Mr. MADDEN. So that you have already given them retired pay and now wish to commission them as officers one grade above their rank while in the service. What is the need for that?

Mr. HULL of Iowa. If they had to give up the rank and pay to get the commission, they would say, let the commission go.

Mr. MADDEN. And yet the men in the volunteer service of the country during the civil war, who rendered as valiant service as these men, who were not assigned to the Regular Army and placed in positions similar to the ones they occupied in the civil war, are still ignored and no action taken for their relief.

Mr. HULL of Iowa. I happen to be one of those men myself. There is a bill pending before the Military Committee of the House and Senate creating an additional retired list of the army and navy of the country.

Mr. MADDEN. Why is it that that bill has not been reported?

Mr. HULL of Iowa. Because a majority of the committee did not believe it to the best interests of the Government.

Mr. SLAYDEN. And it would mean ultimately $100,000,000.

Mr. HULL of Iowa. Not that much.

Mr. MADDEN. But you are giving officers already on the retired list additional honors, and yet the men that I have spoken of have not been given any consideration whatever.

Mr. HULL of Iowa. We had passed a bill giving them the increased rank and pay, and the War and Navy departments claimed that it was not necessary to issue them a commission at that time, and this bill is simply for the purpose of issuing them a commission for the position of which they already have the rank and pay.

Mr. MADDEN. I should like to see the veteran officers of the civil war taken care of, and I hope the Committee on Military Affairs will report in favor of placing them on the retired list.

Mr. HULL of Iowa. I shall be delighted to have the eloquent voice of my friend from Illinois raised in defense of that bill when it is up for consideration; but until it comes before the House it is hardly a subject for discussion.

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill was ordered to a third reading, and was accordingly read the third time and passed.

Mr. HULL of Iowa. Mr. Speaker, I move to amend the title of the bill by inserting after the word "Army" the words "Navy and Marine Corps."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amend the title by inserting after the word "Army" the words "Navy and Marine Corps."

The amendment was agreed to.

On motion of Mr. HULL of Iowa, a motion to reconsider the vote by which the bill was passed was ordered to lie on the table.

The SPEAKER pro tempore. The Clerk will resume the call of committees.

The Committee on Indian Affairs was called.

CERTAIN SHAWNEE AND DELAWARE INDIANS.

Mr. SHERMAN. Mr. Speaker, I desire to call up the bill (H. R. 14399) conferring jurisdiction on the Court of Claims to determine the amount due certain Shawnee and Delaware Indians of the United States.

The bill was read, as follows:

Be it enacted, etc., That jurisdiction be, and it is hereby, conferred on the Court of Claims of the United States, subject to appeal to the Supreme Court, to determine the amounts of the losses sustained by the individual Shawnee and Delaware Indians in the years 1861 to 1866, inclusive, by depredations against their property at the hands of United States soldiers and white citizens of the United States while said Indians were peaceably and in amity with the United States occupying their own reservations in Kansas and the Indian Territory.

SEC. 2. That said court in determining said losses shall hear evidence as in other cases within its general jurisdiction and rules, and shall also consider the evidence taken by Indian Agent Abbott mentioned in the letter of date January 23, 1867, by Lewis V. Bogy, Commissioner of Indian Affairs, to Hon. O. H. Browning, Secretary of the Interior, and filed in the Court of Claims in the suit of Johnson Blackfeather, principal chief of the Shawnee Indians, against the United States, No. 1710; and all the evidence duly taken in said suit shall be considered by the Court of Claims in determining said losses.

SEC. 3. That said Indians may within six months from the approval of this act, through a committee of three of their number selected by themselves, after notice of thirty days in the principal newspapers published nearest their homes, file their petition in said court, setting up their losses and sue for the same.

With the following proposed committee amendments:

On line 5, page 1, after the word "to" and before the word "determine," insert the words "find, adjudicate, and."

On line 12, page 1, after the word "Territory," insert the words "and render judgment therefor against the United States in favor of such individual Indian, his or her heirs or legal representatives, as hereinafter provided."

On line 12, page 2, after the word "said," insert the word "individual."

After line 17, page 2, add:

"SEC. 4. In rendering the judgments provided for in section 1 of this act against the United States in favor of the individual Indians, the court shall ascertain and fix the just amount of attorney's fees in each case, under any written contracts by them executed, and in its decree set apart the same out of the amount due to each individual Indian and cause a separate judgment warrant to issue to the claimant and his attorney in full payment for his services in this behalf to such individual Indian, his heirs or legal representatives."

Mr. MANN. Mr. Speaker, I make the point of order against the bill that it does not properly belong on the House Calendar, but does belong on the Union Calendar.

The SPEAKER pro tempore. The Chair will hear the gentleman from Illinois on his point of order.

Mr. MANN. Rule XXIII, clause 3, provides that all bills referring claims to the Court of Claims shall be considered in Committee of the Whole; also, that all motions or propositions involving a tax or charge upon the people shall be considered in Committee of the Whole. The purpose of this bill is to confer on the Court of Claims authority to determine the amounts of losses sustained by certain claimants, and at the top of page 2 the proposed committee amendment says:

And render judgment therefor against the United States in favor of such individual Indian, his or her heirs or legal representatives, as hereinafter provided.

A similar bill was before the House yesterday, except that in that bill there was not a direct reference to the Court of Claims. The Speaker yesterday held that where a bill authorizes a judgment to be entered against the United States it involves a tax upon the people, and hence must be considered in Committee of the Whole; but this bill expressly provides for reference of claims to the Court of Claims and comes within the provisions of clause 3 of Rule XXIII.

The SPEAKER pro tempore. Does the gentleman from New York [Mr. SHERMAN] desire to be heard on the point of order?

Mr. SHERMAN. I do not, Mr. Speaker. I found the bill on the House Calendar. I have not looked at it closely. I intended to yield to the gentleman from Indiana [Mr. CHANEY], the introducer of the bill, and to the gentleman from Oklahoma [Mr. MCGUIRE], who reported the bill, to discuss the merits of it. I had not recently read the bill.

The SPEAKER pro tempore. The Chair sustains the point of order. The bill will be referred to the Union Calendar.

SHAWNEE TRAINING SCHOOL, SHAWNEE, OKLA.

Mr. STEPHENS of Texas. Mr. Speaker, I desire to call up House resolution 384, reported from the Committee on Indian Affairs.

The SPEAKER pro tempore. The gentleman from Texas, a member of the Committee on Indian Affairs, calls up a House resolution, which the Clerk will report.

The Clerk read House resolution 384, as follows:

Resolved, That the Secretary of the Interior is hereby respectfully requested, if not incompatible with the public interest, to furnish the House of Representatives of the United States the names of the employees at the Shawnee Training School, at Shawnee, Okla., giving the sex of each employee and the compensation paid each; the total annual appropriation and expenditure made for the said school; a description of all the buildings at said school and how occupied January 1, 1908; the maximum attendance for 1907; the name of the tribe or band to which each of the several Indian pupils belong; the cost of buildings, and of any water, sewer, or lighting plant; the total number of enrolled Indians under the jurisdiction of the superintendent in charge of said school, and the tribe, sex, and place of residence of each of said Indians; the number of Indian allottees within said jurisdiction who are now citizens of the State of Oklahoma and were actually residing upon their original allotments January 1, 1907, giving the number of each allotment so occupied, and state the number of children said allottees have in said training school, and the counties of their respective residences.

And he is further requested to advise the House whether or not Indians of any other tribe or tribes than the Shawnee, Pottawatomie, and Kickapoos have been enrolled to attend the said school during the years 1906 and 1907; and if so, the number and to what tribe they belong, and whether or not their parents have their lands allotted to them and are voters and citizens of the State of Oklahoma.

Mr. STEPHENS of Texas. Mr. Speaker, I desire to have read the resolution substituted by the Committee on Indian Affairs.

The Clerk read as follows:

The Committee on Indian Affairs, having considered House resolution 384, which reads as follows:

"*Resolved*, That the Secretary of the Interior is hereby respectfully requested, if not incompatible with the public interest, to furnish the House of Representatives of the United States the names of the employees at the Shawnee Training School, at Shawnee, Okla., giving the sex of each employee and the compensation paid each; the total annual appropriation and expenditure made for the said school; a description of all the buildings at said school and how occupied January 1, 1908; the maximum attendance for 1907; the name of the tribe or band to which each of the several Indian pupils belong; the cost of buildings, and of any water, sewer, or lighting plant; the total number of enrolled Indians under the jurisdiction of the superintendent in charge of said school, and the tribe, sex, and place of residence of each of said Indians; the number of Indian allottees within said jurisdiction who are now citizens of the State of Oklahoma and were actually residing upon their original allotments January 1, 1907, giving the number of each allotment so occupied, and state the number of children said allottees have in said training school, and the counties of their respective residences.

"And he is further requested to advise the House whether or not Indians of any other tribe or tribes than the Shawnee, Pottawatomie, and Kickapoos have been enrolled to attend the said school during the years 1906 and 1907; and if so, the number and to what tribe they belong, and whether or not their parents have their lands allotted to them and are voters and citizens of the State of Oklahoma."

reports the same back to the House, with the recommendation that it do pass.

Mr. STEPHENS of Texas. Mr. Speaker, I ask that the resolution just read be substituted for the original resolution.

Mr. MANN. I would like to call the attention of the gentleman from Texas to the fact that this is precisely the same resolution that was read, word for word and letter for letter.

The SPEAKER pro tempore. The proposed amendment is word for word like the resolution.

Mr. STEPHENS of Texas. This was substituted by a subsequent bill.

Mr. MANN. Then this is the amended resolution?

Mr. STEPHENS of Texas. Yes; I ask for the passage of the original resolution.

The SPEAKER pro tempore. Without objection, the amendment will be withdrawn, and the question is on agreeing to the original resolution.

Mr. STEPHENS of Texas. Mr. Speaker, this resolution calls for information as to what is the cost of educating Indians at this special school in Oklahoma. This is a nonreservation school. We are spending a great deal of money in different parts of the United States in these nonreservation schools, and I believe the Government should adopt the policy of transferring the nonreservation schools to the States and Territories where they are situated and make industrial schools of them for the whites as well as the Indians. We can in that way educate the Indians and whites together. A great many of the Indians are already citizens of the United States, or at least their parents are, and some of them are voters and some officeholders. I see no reason why we should make any distinction between the red man and the white man. After the Indian becomes a citizen and voter, the State and not the United States should educate them. Since Oklahoma has been organized as a State this Shawnee nonreservation Indian school, and all other Indian schools having in them children of citizens of the State, should be educated by the State. These schools cost us a great deal of money, and it should be paid by the State, and thereby become a part of the educational system of the State. Let this Government have the same right to control the schools as they are now exercising in the agricultural and mechanical schools in the States where they are situated. I ask for the information mentioned in this resolution in order to base upon it a bill that I propose to bring before Congress for the purpose of transferring these nonreservation schools to the various States and Territories wherever they may be situated. The information is to be directed to that purpose.

Mr. OLMSTED. Will the gentleman allow a question?

Mr. STEPHENS of Texas. Certainly.

Mr. OLMSTED. I would like to ask the gentleman a question. He has stated that he proposes to bring in a bill relating to all nonreservation schools in the country. This resolution applies to only one school.

Mr. STEPHENS of Texas. Yes; but it is for the purpose of getting information relating to the general proposition that we now have under consideration; and I believe its best solution would be to transfer the nonreservation schools to the States and Territories where the schools are situated.

Mr. OLMSTED. What nonreservation schools?

Mr. STEPHENS of Texas. All of the nonreservation schools in the United States. This is one of them, and by getting the information that is here called for we can ascertain what this kind of schools are costing the Government, what kind of buildings they have, and whether it is practicable to transfer them to the States and Territories.

Mr. OLMSTED. Is it the gentleman's idea that data pertaining to this particular school covered by this resolution shall be used as a basis to determine the question as to all nonreservation schools in the United States?

Mr. STEPHENS of Texas. It will give us a great deal of light on that question, because each State has been doing its best to get the largest appropriations and the best buildings possible for Indian schools, and I presume that the cost of educating the children in this Shawnee Indian school would be about an average of the rest of the nonreservation Indian schools in the States and Territories.

Mr. OLMSTED. Can not the gentleman or any of us ascertain, by looking at the published report of the Indian Commissioner, how many pupils there are in a particular school, how much it is costing the Government, and all of these facts pertaining to the schools which the gentleman calls for in this resolution?

Mr. STEPHENS of Texas. That published information would not show whether they belonged to the same tribe or not or whether the parents were citizens of the State.

Mr. OLMSTED. It would show whether it was a reservation or a nonreservation school, and show the cost of maintenance, the cost of the buildings, the number and extent of

the buildings, and all the information which this resolution calls for except the possible question as to how many are Shawnees and how many belong to other tribes.

Mr. STEPHENS of Texas. It would not give all the information we desire, but this resolution would give that information and place the matter more fully before Congress and before the country. It is a matter of great interest to the country. I do not think they are longer needed, and I believe that the proper policy would be to transfer them to the States and Territories in which they are situated and make them industrial schools for the children of whites and Indians alike.

Mr. OLMSTED. Well, this seems to raise the whole question upon a simple resolution to get certain information concerning one school, which information, or most of which, we already have.

Mr. STEPHENS of Texas. I think not. A good deal of it we have not got.

Mr. STAFFORD. Can the gentleman state the number of nonreservation schools?

Mr. SHERMAN. Twenty-seven are specifically appropriated for.

Mr. STAFFORD. Will the gentleman specify the reason why he has singled out this one school in calling upon the Secretary of the Interior for information as to the cost of these nonreservation schools thrughout the country?

Mr. STEPHENS of Texas. Because it would be very hard and it would require a good deal of labor and time to get up the information desired of all the schools, but as to one school it would be much easier to get the information.

Mr. STAFFORD. I understand the purpose of the gentleman in seeking information is to prepare a bill seeking to discontinue the present Indian schools located not on reservations.

Mr. STEPHENS of Texas. Yes; and then to turn them over to the States and Territories in which they are situated and make them industrial schools for whites and Indians alike.

Mr. STAFFORD. Is there any instance in which that course has been adopted up to the present time?

Mr. STEPHENS of Texas. I do not know of any instance of that kind, but I think it should be done. We have no instance in which a citizen of any State or Territory has been educated at the expense of the United States Government, except in Annapolis and West Point.

Mr. STAFFORD. It has always been the policy of the Government, however, to educate the Indians as wards of the nation.

Mr. STEPHENS of Texas. But they are no longer wards of the Nation. That is the point I make, that when their parents become citizens of the State where they live, the children are no longer wards of the Government, but become citizens of the State and Territory where the Indian lives, and we should take our hands from them and let them become part and parcel of the people of the entire State where they live, and let the State control them, and we should take them from under the jurisdiction of the Secretary of the Interior and let them become citizens in fact as well as in name.

Mr. STAFFORD. Do I understand that the gentleman contends that all the pupils in these nonreservation schools are children of Indians who are now full-fledged citizens?

Mr. STEPHENS of Texas. That is what I am trying to find cut. That is the information I want. Some of them are and some not, and I can not state the number.

Mr. STAFFORD. Does the gentleman surmise that the same condition prevails at other nonreservation schools?

Mr. STEPHENS of Texas. It does.

Mr. STAFFORD. What institutions?

Mr. STEPHENS of Texas. Numerous institutions, all nonreservation schools where they send Indians from one part of the United States to another—for instance, Carlisle. In that school you will find Indians from every State and Territory having Indian reservations in its borders.

Mr. STAFFORD. Is not that a typical institution, and should not the gentleman embody an amendment asking for information as to that school?

Mr. STEPHENS of Texas. This resolution is to get the general information in regard to one single school, and in a newly admitted State that had formerly been a Territory. I think that would be a fair illustration of the general policy of the Government relative to these schools.

Mr. CARTER. The gentleman from Texas speaks of introducing a bill to abolish all nonreservation schools. I would like to ask what the purpose of his bill will be? Will it be to abolish them immediately or to abolish them as suggested by the Commissioner of Indian Affairs, a few schools at a time?

Mr. STEPHENS of Texas. I think the nonreservation Indian schools should be transferred to the State or Territory where they are situated. I think it should be placed in the discretion of the Secretary of the Interior to determine what schools are not needed for the education of the Indian children that are not citizens of the United States. Indians of full blood and others that are not citizens of the United States should be educated by this Government, and if there are any nonreservation schools where there is a majority of the students whose parents are citizens of the State, that school should be transferred to the State or Territory in which it is situated and become subject to the jurisdiction of that State and subject to its laws, just exactly as the mechanical and agricultural schools of the various States are now conducted and controlled.

Mr. CARTER. Has not the Secretary of the Interior that authority already without the introduction of a bill?

Mr. STEPHENS of Texas. I think not. I know of no such authority.

Mr. CARTER. Then, I will ask the gentleman from New York, the chairman of the committee [Mr. SHERMAN].

Mr. SHERMAN. No, Mr. Speaker, the Secretary of the Interior has no such authority as the gentleman from Oklahoma inquires about. The Secretary of the Interior was authorized, or the commissioner, I do not remember which, in the last Indian appropriation bill to investigate as to what nonreservation schools could be with advantage to the service dispensed with and to make report to Congress in reference thereto, and the commissioner has made a report in reference to certain schools, particularly one or two schools in Colorado, one school in South Dakota, and I have forgotten where the other schools are, which he says can be dispensed with. He has specifically made a report in reference to one school in Colorado, which should be dispensed with and turned over to the State of Colorado under terms which provide that the State will continue to maintain this school as a school not merely for Indians, but for white children, and that at that school at all times Indian pupils shall be educated without any charge against the National Government.

Now, I did not understand when the gentleman advocated the passage of this resolution of inquiry that he intended it for the purpose which he now says, because had I so understood it I would have asked the gentleman at that time to make the resolution broader in some respects, and to have eliminated from it certain provisions in reference to information which any of us can get by a little research. Now, a major part of the information asked for by this resolution any of us can get who have the industry to plow into the reports and hunt it up. I supposed the gentleman wanted it in order to advise himself in specific details in reference to this special school that are now covered by reports as, for instance, which pupils are the children of Indians who have become citizens. That, for instance, we have no way of ascertaining, nor is it in all cases shown in any report we can get, although the Indian Office could show it, to what tribe a particular pupil belongs. That is not printed; it is a matter of detail that is not of consequence for general use. But a large part of the matter which is contained in this resolution can be obtained by any of us from the regular reports. Now, as an entering wedge for the passage of a bill doing away with all nonreservation schools, I am not in sympathy with the gentleman at all. I do not believe in striking down all nonreservation schools, but I am in sympathy with the general proposition of the Commissioner of Indian Affairs to do away as rapidly as possible with most nonreservation schools, but I do think there are certain schools, for instance, to illustrate, that at Carlisle or Chilocco or Haskell, which should be maintained for a great many years yet to come for the education of certain pupils who show themselves especially apt along higher lines than the ordinary reservation schools educate them.

I do think we ought to maintain for some little time at least the manual training schools, and there is a manual training school as a part of the Haskell School and Hampton School where children are taught in the mechanical arts—girls and boys alike—such commonplace matters as how to laundry, how to make harness, how to shoe a horse, how to build a fence, and everything of that kind, and those divisions of those schools ought to continue, I think, for some little time. Of course that can not be taught by an ordinary day school on a reservation, and is not taught, but as for using this resolution as an entering wedge to do away entirely with the nonreservation schools I am not at all in sympathy with the gentleman's ultimate purpose.

Mr. STEPHENS of Texas. Would you have any objection to have the matter referred to the Commissioner of Indian Affairs and the Secretary of the Interior as to which schools should be abandoned, for instance.

Mr. SHERMAN. We have already done that in the last bill. If I may refresh the gentleman's memory, it says:

The Commissioner of Indian Affairs is hereby authorized, under the direction of the Secretary of the Interior, to ascertain whether and upon what terms it may be possible to dispense with any nonsectarian Indian schools which in his judgment are no longer of value to the Indian Service, and to report the result of his investigation to the next session of Congress.

Now, he has already made that report.

Mr. STEPHENS of Texas. The gentleman will note that does not provide anywhere that there shall be transferred to the State or Territory in which these Indians reside or provide any machinery whatever for taking care of these schools in the future. Those schools should be filled by both whites and Indians and the schools should progress right on where they have left off, and we should let the States and Territories take care of them and not the United States Government.

Mr. SHERMAN. This section in the last appropriation bill does not provide for making other than an investigation and report to Congress. It grants no authority to go as far as the gentleman suggests. What the gentleman suggests is, the moment the Indians become citizens by reason of accepting allotment the United States then withdraws the support for the continuance of their schools. Why, the gentleman knows, because we have been discussing it in the Indian Committee quite recently, we not only provide for the support of the Indian children after the parent becomes a citizen or has taken an allotment, but in the Indian bill for three or four years last past we provide especially for the education of thousands of white children in the Indian Territory, when there is no pretense that there is any Indian blood in them.

Mr. STEPHENS of Texas. That is not the general policy, however, for the rest of the United States outside of the Indian Territory.

Mr. SHERMAN. Oh, no; the general policy is to in no place foster ignorance, which is the mother of crime, but rather to aid the education of either Indians or whites in any way that we legally and constitutionally can. That is the general proposition.

Mr. STEPHENS of Texas. Then I will ask the gentleman this question: Would he have any objection to the passage of this resolution for the purpose of getting the information?

Mr. SHERMAN. I do not object to the passage of it at all, but I do object to the ultimate end that you are attempting to reach; and had I known that was the ultimate end I do not know that I should have so readily acquiesced in the passage of this resolution.

Mr. MANN. Will the gentleman yield for a question?

Mr. SHERMAN. Certainly.

Mr. MANN. There are now between 20 and 30 of these nonreservation schools?

Mr. SHERMAN. Yes.

Mr. MANN. I did not quite catch what the gentleman said about the report under the provision of the law.

Mr. SHERMAN. I said the commissioner had already made a report. It can be found in the document room. I said he had already negotiated with the state officers of Colorado for the disposal to that State of one or two of the school plants there under terms stated in his report, and I think I introduced a bill providing for the carrying out of that agreement.

Now, he also makes report as to one or two other Indian schools. I recollect one particularly in South Dakota. There are perhaps five or six altogether in his report.

Mr. MANN. What I wanted to inquire was whether he had made a report on each of these nonreservation schools or simply reported as to a portion of them?

Mr. SHERMAN. That is all; only as to a portion. The bill last year did not contemplate a report on all of them, but only on such as, in his judgment, could now be disposed of or dispensed with. That was the thought.

Mr. STEPHENS of Texas. Mr. Speaker, I ask for a vote on the resolution.

Mr. OLMSTED. I desire to be recognized, Mr. Speaker, if I may, in my own right.

The SPEAKER pro tempore. The gentleman from Texas [Mr. STEPHENS] is entitled to the floor.

Mr. STEPHENS of Texas. What time does the gentleman desire?

Mr. OLMSTED. Five or ten minutes.

Mr. STEPHENS of Texas. I yield to the gentleman ten minutes.

Mr. OLMSTED. Mr. Speaker, it is manifest from the very frank statement of the gentleman from Texas that the purpose of this resolution is one which does not appear upon its face. This is a simple resolution calling for certain information concerning the training school at Shawnee, Okla. He states that the object of this information is to obtain a foundation for a bill to remove all nonreservation schools, including, of course, the one at Carlisle, in my district—to remove them all onto the reservations.

Mr. STEPHENS of Texas. Will the gentleman permit me?

Mr. OLMSTED. I should like to know, Mr. Speaker, how the determination of the sex of a teacher at Shawnee would affect the question of the removal or nonremoval of the school at Carlisle.

Mr. STEPHENS of Texas. Will the gentleman permit me a question?

Mr. OLMSTED. Yes.

Mr. STEPHENS of Texas. Carlisle is a thousand miles away from the Oklahoma reservations, and would it not cost the Government a great deal of money to transfer the students there?

Mr. OLMSTED. It costs less to educate them there than in other schools.

Mr. STEPHENS of Texas. I suppose nearly all of them are citizens of some State other than Pennsylvania, are they not? And the railroad fare must be paid by the Government?

Mr. OLMSTED. Yes.

Mr. STEPHENS of Texas. Now, why should not the State of Pennsylvania in connection with the United States run and control that school just as much as you do your agricultural and mechanical and other state schools? Have you not one of that kind in your State?

Mr. OLMSTED. We have all kinds of schools in Pennsylvania.

Mr. STEPHENS of Texas. Is not there at least one industrial school where the United States maintains an interest jointly with the State?

Mr. OLMSTED. I know of no such school.

Mr. STEPHENS of Texas. We have one in our State, and there is one in Virginia of that kind. Would the gentleman from Pennsylvania have any objection to his school at Carlisle being controlled the same as the white schools of his State and letting white scholars attend it also?

Mr. OLMSTED. I have no objection to white children being educated there. However, there is hardly room for any. It is full now of Indian pupils. The State of Pennsylvania already attends to the education of all white children.

Mr. STEPHENS of Texas. This idea would not injure Carlisle (the transfer of nonreservation schools to the State where they are situated), but would mix the white children of that State with the Indian students and educate them all together.

Mr. OLMSTED. Perhaps I do not understand the gentleman's idea, but he first stated that he proposed to remove all these Indian schools to the reservations.

That would not only injure the school at Carlisle, but other nonreservation schools. It would do away with them entirely.

Mr. STEPHENS of Texas. All the Indians of full blood and subject to the laws of the United States and belonging to some tribe, I would have educated with the tribe on the reservation where they live; but where they are citizens of some State, I would have the State or Territory where they live educate them.

Mr. OLMSTED. Well, that is a question that can be determined at any time by the House. We would not be assisted at all by this. We would not be assisted by any information called for by this resolution. It seeks to ascertain the names of the employees and the number and sex of the teachers of the Shawnee Training School and the cost of keeping the pupils. All that information any gentleman may get by referring to the printed report of the Commissioner of Indian Affairs. It gives the number of pupils enrolled, the annual attendance, the amount appropriated, the cost of the buildings—gives everything asked for here except, perhaps, the sex of the teacher, which seems to be not highly important in the determination of this great question. I submit, basing my reasons partly upon the reasons so well stated by the chairman of the Committee on Indian Affairs, that there is no necessity for the introduction or passage of this resolution. The information given the department under it would throw no new light on the subject, and could not possibly afford any basis for the removal of any other nonreservation school, and I feel very certain that the gentleman from Texas can obtain from the report published by the Commissioner of Indian Affairs all the information he desires as to this school. That report is exceedingly full and contains a vast amount of information as to all these schools.

Mr. STEPHENS of Texas. I move the previous question.

The question was taken, and the previous question was ordered.

The SPEAKER pro tempore. The question is on the adoption of the resolution.

The question was taken, and the Speaker pro tempore announced that the ayes seemed to have it.

Mr. OLMSTED. I ask for a division, Mr. Speaker.

The House divided, and there were—ayes 77, noes 7.

So the resolution was agreed to.

CITIZENSHIP TO PORTO RICANS.

Mr. COOPER of Wisconsin (when the Committee on Insular Affairs was called). Mr. Speaker, I call up the bill reported from the Committee on Insular Affairs, which I send to the Clerk's desk.

The SPEAKER pro tempore. The gentleman calls up the following bill, which the Clerk will report. [After a pause.] The Chair has not read the bill, but is informed it incurs a charge against the Government. The bill is on the Union Calendar, and of course can not be called up on a call of the committees.

Mr. COOPER of Wisconsin. Has the Speaker the bill that I sent up?

The SPEAKER pro tempore. Only bills that are on the House Calendar can be called up under the call of committees. This bill is on the Union Calendar.

MILITARY ORDERS AND DECREES RELATING TO PORTO RICO.

Mr. PARSONS. Mr. Speaker, I call up House resolution 303, reported by the Committee on Insular Affairs and on the House Calendar.

The resolution was read, as follows:

House resolution 303.

Resolved, That the Secretary of War be, and he is hereby, requested to transmit to the House of Representatives for its information the laws and ordinances of Porto Rico and the military orders and decrees affecting Porto Rico referred to in section 8 of the act approved April 12, 1900, entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes."

Mr. PARSONS. Mr. Speaker, under the Foraker Act the military orders and decrees and the laws and the ordinances of Porto Rico are made part of the fundamental laws of Porto Rico. They are out of print, and the object of this resolution is to have the War Department transmit them here, so that a new edition can be printed for the convenience of the many that have to look them up.

Mr. MANN. Mr. Speaker, if the gentleman will yield.

Mr. PARSONS. Certainly.

Mr. MANN. These military orders and decrees, if they transmit them here, will only make them public here. There will not be printed more than "the usual number." The War Department will not have a copy it can use; the governor of Porto Rico would have no copy. There would be no copies to send out; but the only copies printed in any case, if printed at all, would be the "usual number," which is one for each Member of the House. If the gentleman wants to have them, why does he not follow the usual course and introduce a resolution to have them printed?

Mr. PARSONS. We will take them this way first.

Mr. MANN. They have been here. They were sent to Congress.

Mr. OLMSTED. They are now in force?

Mr. MANN. I do not think there is any objection at all to having it. They have all been published in a volume. They are not the military orders and decrees now, but only those issued prior to the passage of the Foraker Act, as I understand it.

Mr. PARSONS. That is correct.

Mr. MANN. I would like to see the gentleman accomplish his purpose, but I do not think he will by this resolution.

Mr. PARSONS. Well, let us have it our way this time, and then if we find that does not do we can try it yours. At the time they are transmitted here we can pass another resolution providing for their disposition in another manner. The department is entirely out of them, and has no copies except the copy the department keeps for its own use.

Mr. GAINES of Tennessee. I would like to ask the gentleman from New York a question about this matter. I would like to ask him why they want these copies.

Mr. PARSONS. Anyone who wants to know what the law of Porto Rico is upon any particular point in any particular case would have to have these orders and decrees before him.

Mr. GAINES of Tennessee. Has the gentleman many requests of that nature?

Mr. PARSONS. I have had a few requests, and know that they would be of service to the members of the Committee on Insular Affairs.

Mr. OLMSTED. To be used by members of that committee and Members of the House that wanted to pass upon any measure that came from that committee.

Mr. MANN. The Committee on Insular Affairs certainly has copies of the original papers which are necessary for the consideration of matters coming before the Committee on Insular Affairs. I know if it were a matter which affected the committee of which I am a member we would not only have copies for the committee, but for each member of the committee.

Mr. GAINES of Tennessee. How many copies does the gentleman propose to have printed?

Mr. PARSONS. The "usual number."

Mr. GAINES of Tennessee. I should like to ask the gentleman, What do we want with the military laws of Porto Rico if they have civil laws there?

Mr. PARSONS. Because, under the Foraker Act, the military orders and decrees were made a part of the fundamental law of the land, and we can not find out what the fundamental law of the land is on any particular point unless we know what those military orders and decrees were.

Mr. GAINES of Tennessee. How long have we had a civil government in Porto Rico?

Mr. PARSONS. The gentleman knows as well as I—ever since 1899.

Mr. MANN. April 12, 1900.

Mr. GAINES of Tennessee. And the Committee on Insular Affairs wants the military laws, although we have a civil government down there.

Mr. PARSONS. We have all the laws of Porto Rico except these.

Mr. GAINES of Tennessee. How much will it cost to print these military laws?

Mr. PARSONS. I do not know.

The SPEAKER. The question is on agreeing to the resolution.

The question being taken, on a division (demanded by Mr. GAINES of Tennessee) there were—ayes 43, noes 44.

Mr. PARSONS. I demand tellers.

Tellers were ordered, and the Speaker appointed Mr. PARSONS and Mr. GAINES of Tennessee.

The House again divided and the tellers reported—ayes 68, noes 47.

Accordingly the resolution was agreed to.

CITIZENSHIP OF PORTO RICO.

Mr. COOPER of Wisconsin. Mr. Speaker, I make the point of order that the bill (H. R. 393) providing that the inhabitants of Porto Rico shall be citizens of the United States is improperly on the Union Calendar, and I move that it be transferred to the House Calendar.

The SPEAKER. The Chair understands the gentleman to make the point of order that the bill (H. R. 393) is improperly on the Union Calendar and should be on the House Calendar.

Mr. COOPER of Wisconsin. Yes.

The SPEAKER. The Chair sustains the point of order, and directs that the bill be transferred to the House Calendar.

Mr. COOPER of Wisconsin. Mr. Speaker, I ask unanimous consent to return to the consideration of this bill.

The SPEAKER. The call rests with the Committee on Insular Affairs.

Mr. COOPER of Wisconsin. I call up the bill (H. R. 393).

The SPEAKER. The gentleman from Wisconsin calls up the following bill, which has just been transferred from the Union Calendar to the House Calendar.

Mr. MANN. How was it transferred?

The SPEAKER. It has just been transferred on a point of order. It was on the Union Calendar, and has just been transferred to the House Calendar, and the gentleman from Wisconsin now calls up the bill.

Mr. MANN. I make the point of order that he can not now call up the bill. I did not understand that it had been transferred.

The SPEAKER. The gentleman from Wisconsin made the point of order that the bill was improperly on the Union Calendar. On examining the bill it seems to the Speaker that the point of order is well taken, and the Chair has just ordered the bill to be transferred from the Union Calendar to the House Calendar.

Mr. MANN. My recollection is that it is not in order to transfer a bill from the Union Calendar to the House Calendar and then immediately take it up on the call of committee.

The SPEAKER. Does the gentleman make that point?

Mr. MANN. I make that point of order.

The SPEAKER. The recollection of the Chair is that the rule and the practice is that it shall not be in order to call up a bill on the same day that the transfer is made, or until it has been printed upon the calendar on which it has been placed, the idea being that the House should have notice of the transfer

by the actual transfer and its appearance upon the proper calendar.

Mr. MANN. And that has been the uniform practice, I think, so that the rights of the House may be protected.

The SPEAKER. The point of order is made, and the Chair will sustain it, that it is not subject to the call until it is in fact printed upon its proper calendar, the object being that the House shall have notice.

Mr. OLMSTED. Mr. Speaker, I understood the gentleman from Wisconsin to ask unanimous consent that it be called up now.

Mr. COOPER of Wisconsin. That was my first request.

The SPEAKER. The gentleman asks unanimous consent that the bill referred to may be considered at this time. Is there objection?

Mr. MANN. Reserving the right to object, I would like to ask the gentleman if he does not think we ought to have an opportunity of knowing that the bill is likely to be brought up? This is a very important proposition.

Mr. COOPER of Wisconsin. Mr. Speaker, in reply to the gentleman from Illinois, I quote from the Republican platform of this year:

We believe that the native inhabitants of Porto Rico should be at once collectively made citizens of the United States, and that all others properly qualified under existing laws residing in said island should have the privilege of becoming naturalized.

You had the whole campaign in which to consider it. We have advocated it on the stump and we have promised the people that if we were given the opportunity we would pass a law to put that into effect. I do not know why there should be any necessity for delay.

Mr. MANN. Well, Mr. Speaker, I have as much respect for the Republican platform as has the gentleman from Wisconsin. [Laughter.] I think the matter ought to be delayed for the present, and I object.

DENTAL SURGEONS FOR THE NAVY.

Mr. DAWSON. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. DAWSON. For the purpose of moving that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 16620.

The SPEAKER. On the Union Calendar?

Mr. DAWSON. Yes.

The SPEAKER. The gentleman from Iowa moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill of which the Clerk will read the title.

The Clerk read as follows:

H. R. 16620, authorizing the appointment of dental surgeons in the navy.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. CAPRON in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of the bill which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That the President be, and he is hereby, authorized to appoint dental surgeons to serve the officers and enlisted men of the Navy and Marine Corps, not to exceed 30 in all. Said dental surgeons shall be attached to the Medical Department of the Navy; shall have the rank and compensation of acting assistant surgeons in the navy; shall be graduates of standard dental colleges, trained in the several branches of dentistry; within the age limits of 24 and 35 years; of good moral character and professional standing, and shall pass a physical and professional examination; and their appointments shall be for a term of years and revocable at the pleasure of the President: *Provided*, That the dentist now employed at the Naval Academy shall not be displaced by the operation of this act.

Mr. DAWSON. Mr. Chairman, the terms of this bill fully explain its purpose and its scope. It simply provides for the appointment of 30 dental surgeons in the navy, with the rank and compensation of an acting assistant surgeon. I might say that the naval service is now without any dental corps such as the army has, and this bill simply seeks to provide a corps in the navy analagous and similar to the one which is now a part of the army organization.

By the terms of this bill these dentists are appointed for a period of years, for such period as the President of the United States may determine, and the appointments are revocable at his pleasure. The bill does not carry the right either of promotion or of age-retirement pay.

The subject of creating a dental corps in the navy is one that has been long and patiently considered by the Committee on Naval Affairs, and has several times been favorably reported to the House, both in appropriation bills and in independent measures. The department is very urgent in its recommendation of the need of such a corps in that service, and I believe it will appeal to the House that such a corps is an essential and a necessity in the naval service. This particular bill has the cordial indorsement of the Secretary of the Navy. In a letter to the chairman of the Naval Committee under date of March 3, 1908, the then Secretary of the Navy recommends the passage of this bill in the following words:

Attention is invited to the bill (H. R. 16620) authorizing the appointment of dental surgeons in the navy, the provisions of which are in line with the department's views on the subject.

For many years the Surgeon-General of the Navy, in his annual report, has pointed out the great need of such a corps in that service. It seems to me it would not be out of place to quote briefly from the report the Surgeon-General of the Navy made last year, in which he says:

Like the eyes, the teeth are coming properly to be regarded as intimately and widely associated with the various organs and functions of the body, and that defective teeth may be responsible for much ill health is recognized by all who keep in touch with the accumulating truths of medical science. The naval surgeon is alert to detect dental disorders early, lest an aggravation of them produce grave illness. He, however, has not that special knowledge required to fit him to cope with diseased teeth in a final manner. He can and often does put in temporary fillings and treats the medical and surgical complications incident to dental disorders and often extracts such teeth as are not worth preserving, but naval surgeons are not expected to deal with dental disorders in a radical manner. The practice of dentistry requires a special education and training.

The teeth and the mouth are indubitably important factors in the causation of certain diseases of bacterial origin. This is not a hypothetical conclusion, for it has been proven beyond doubt that not only are bacteria found in great numbers in uncared for and neglected mouths, but their disease-producing properties are greatly increased, particularly in and about decayed teeth. Much of the tonsilitis and pharyngitis in the navy can undoubtedly be traced to bad teeth, as can also deranged digestion and general physical deterioration. In this connection it is not improbable that the teeth are an important contributory factor in tuberculosis by producing a state of lessened resistance to the disease by the constant absorption of poisonous matter.

In thus indicating the prominent reasons for the navy's need of proper dental services, it may be added that a bad tooth may occasionally give rise to serious complications which may even endanger life.

Surg. W. H. Bell, writing from Camp Elliott, on the Isthmus of Panama, says:

"During February (1905) a problem presented which gave us considerable worry, as there appeared no immediate solution. It concerned some very necessary dental work, which 35 or 40 of the command required to have done. Quarantine was then in force against Panama on account of yellow fever, and that fact, therefore, excluded us from the possibility of sending our men there for dental services, and as there was no dentist in Colon or anywhere else along the line the problem became a difficult one. We tried in vain to persuade one or the other of the American dentists on the Isthmus to come to camp with his outfit, and the only other resort was a native dentist, whose work, as far as it came under our observation, was so inferior that we hesitated to employ his services, but even he finally would not come. It was an experience which forcibly indicated the need of dental surgeons in the service. The end of the whole matter was the detachment of most of the men without having received any but palliative treatment and their transfer to Santo Domingo, where their chance for needed attention was, if possible, worse."

This quotation is only one of many similar reports from the various naval stations and ships, and with reference to our extensive service in equatorial latitudes it is to be pointed out that teeth deteriorate with particular rapidity in the Tropics. The importance of having skilled dentistry within the reach of those on duty in the outlying and isolated stations is evident, and at the large stations, where recruits are assembled and apprentices are trained, the value of the service of such professional attention is of no less moment.

Dental surgeons are needed in the navy quite as much as, if not more than, in the army, which service enjoys free treatment by dentists employed in accordance with law, and it seems an unjust discrimination against the enlisted men of the navy not to provide for similar dental work, especially in view of the universally recognized economic importance of sound teeth in military service.

A similar bill was favorably reported to the House in the first session of the Fifty-ninth Congress by my colleague from Iowa [Mr. COUSINS], who was formerly a member of the Naval Committee (H. Rept. No. 2181), and I desire to insert this report in the RECORD:

The Committee on Naval Affairs, having had under consideration the bill (H. R. 13851) authorizing the appointment of dental surgeons in the navy, report the same without amendment and recommend its passage.

A bill substantially the same as this was recommended by the Navy Department in the following letter:

NAVY DEPARTMENT,
Washington, March 2, 1904.

SIR: Referring to the department's letters of May 29, 1902, January 26 and February 8, 1904, reporting upon bills for the employment of dental surgeons in the navy, and recommending the enactment of a measure authorizing the Secretary of the Navy to employ, under contract, not more than 15 such surgeons, I have the honor to state that after further consideration of the matter the department withdraws its previous recommendations in the premises and recommends instead the passage of the measure of which a draft is inclosed. The main points of difference between the bill heretofore suggested and that now proposed are that the latter authorizes 30 instead of 15 dental surgeons and provides that they shall have the rank and pay of acting assistant surgeons instead of being employed under contract at not to exceed $1,800 per annum.

Acting assistant surgeons, of whom 25 were authorized by the act of May 4, 1898 (30 Stat., 380), to be appointed by the President for temporary service, have the rank of assistant surgeons and receive the pay

provided for the latter by section 1556 of the Revised Statutes, namely: During the first five years after date of appointment, when at sea, $1,700; on shore duty, $1,400; on leave or waiting orders, $1,000; after five years from such date, when at sea, $1,900; on shore duty, $1,600; on leave or waiting orders, $1,200.

Very respectfully, W. H. MOODY, *Secretary.*

HON. EUGENE HALE,
Chairman Committee on Naval Affairs, United States Senate.

At present there is no provision of law under which the department can employ dental surgeons except one for service at the Naval Academy.

Surgeon-General Rixey informs this committee that the dental operations performed by the hospital stewards "are limited to simple procedures and urgent cases," that "this arrangement is a makeshift unsatisfactory to the bureau," that "the necessity of the care of the teeth of the enlisted men existed and its importance to the health of the navy is appreciated," and therefore this makeshift was resorted to "until legislation could be obtained giving advantages to the enlisted men of the navy similar to those which the army has had for several years."

To show the estimate of the importance and value of the service rendered by the dentists in the United States Army the Surgeon-General submitted copies of reports of army officers, from which we quote the following extract from the report of the Surgeon-General of the United States Army:

The energies and resources of the Dental Corps have been taxed to their fullest extent in caring for those officers and enlisted men who have sought their services for the relief of suffering, and this has made it necessary in some instances for the dental surgeons to operate daily from 8 a. m. to 5 or 6 p. m. The great amount of service that has been rendered by the dental surgeons could not have been accomplished but for these long hours of work and the assistance accorded them through the extra details of members of the Hospital Corps.

The tabulation of diseases and injuries of the mouth and jaws, of the teeth and gums, and of operations and treatment which follow shows that a large part of the time and skill of the dental surgeons was expended in giving relief from the suffering caused by dental caries, pulpitis, pericementitis, alveolar abscess, pyorrhea alveolaris, and gingivitis. The comparatively large number of teeth extracted is due to the great prevalence of dental caries of a severe type among the enlisted men who are serving or have served in Cuba, Porto Rico, or the Philippines.

The services of the dental surgeons have been highly appreciated by the officers and enlisted men of the Regular and Volunteer armies, and have proved very satisfactory to the Medical Department, because they have been able to relieve a great amount of acute suffering and to conserve a large number of teeth and restore them to a healthy condition, thus almost immediately returning to duty many cases that were previously carried for several days upon the company's sick report. This has resulted in greatly reducing the loss of valuable time to the service.

[Extract from the Surgeon-General's indorsement of Senate bill 5420.]

The dental surgeons appointed in accordance with the act of February 2, 1901, are rendering excellent service, and their services are highly appreciated by the officers and enlisted men of the army, especially in the Philippines and at the large military posts in the United States. A larger number could be utilized to good advantage, and the permanent retention of dental surgeons as part of the military establishment will, in my opinion, be in interest of the service.

[Extract from the report of General Grant, Department of Texas.]

DENTAL SURGEONS.

* * * * * * *

In my opinion, after careful investigation, the principal needs of the service, with respect to dental surgeons, are: First, more dental surgeons; second, a suitable operating room at each post; third, some positive and practicable methods compelling enlisted men to give proper attention to personal care of the teeth. I believe that there should be three dental surgeons assigned to this department, if possible, but not less than two under any circumstances. It is well known that the Philippine climate has a deleterious effect upon teeth, and every regiment, before being sent to the Philippines, should have careful attention given to dental requirements, while those regiments returning should be no less carefully attended to in this regard.

[Extract from a letter from Col. Marion P. Maus, U. S. Army.]

HEADQUARTERS TWENTIETH U. S. INFANTRY,
Malate Barracks, Manila, P. I., May 20, 1904.

THE MILITARY SECRETARY,
War Department, Washington, D. C.
(Through military channels.)

SIR: I have the honor to invite attention to the importance of dentists in the army, especially at remote stations, in order that officers and enlisted men may have proper treatment.

While in command at Camp Marahui, Mindanao, certain officers, including myself, and a number of enlisted men suffered very much from the want of such service. Later, however, a dentist was provided, and great relief and benefit were realized.

There are times when the services of a dentist are as necessary as that of an army surgeon. From my experience in the service, including all parts of the United States and dependencies, I can testify to the importance of this branch of the service and to much suffering from the want of it.

It would, perhaps, be desirable to have dental surgeons assigned to certain regiments in the same way as chaplains. * * *

I have the honor to be, very respectfully, your obedient servant,

MARION P. MAUS,
Colonel Twentieth U. S. Infantry, Commanding.

There exists in the navy as much, if not more, urgent need of the service of dental surgeons than exists in the army, and quite as potent reasons, both humane and economic, for supplying the need. First, because of the early age at which a large percentage enter the naval service; second, because of the longer periods those at sea are inaccessible to competent dentists.

The apprentice boys in training schools and on ships, who February 1, 1904, numbered 4,519, are taken in the service when the care of the dental surgeon is necessary to protect them from the effects of dental disorders, which either immediately or later, in the absence of such care, affect for life their general health, comfort, longevity, and efficiency.

The Government assumes, in a sense, the guardianship of these boys when it receives them for life service in the navy, therefore for humane reasons nothing so vitally affecting their health and comfort should be neglected.

The attention of this committee was called to charts made by a doctor of medicine and dental surgery, employed as a hospital steward in the naval service, which show the condition of the mouths and teeth of 50 boys now, or recently, in training at the naval training station at Newport. One apprentice, but 16 years of age, had lost every one of the teeth from his upper jaw; another, aged 18 years, exhibited cavities in his 14 upper teeth; another, aged 16 years, had lost practically all of his molar teeth, and the few remaining teeth were imperfect; another, aged 17 years, had lost 7 teeth; and another, aged 18 years, had lost 7 molar teeth. Several others of the 50 cases from 16 to 18 years of age had lost from 3 to 6 teeth. It was said of these cases, in general, that they presented either ordinary cavities of decay; dead teeth; inflamed gums; chronic abscesses discharging pus in the mouth; pus-producing diseases of the teeth, gums, and underlying bone, or germ-laden foreign matter in contact with the gums and teeth. Such conditions cause gastric and intestinal disorders, impair vitality, and make one more susceptible to infectious diseases. Experts in dentistry inform us that, under present conditions, a large percentage of the cases exhibited from this one station must inevitably lose their teeth at an early age, which may render them pensionable under existing law.

There are no available statistics showing the conditions throughout the navy, but the general condition is probably well illustrated by the reports from two vessels, covering in each instance a period of one year, which, summarized, are as follows:

[From the U. S. receiving ship *Wabash.*]

The hospital steward detailed to dental service:

Restored by filling, crowning, etc	teeth	990
Treatment for various diseases	do	502
Extracted	do	92
Simple, chronic, and ulcerated conditions of gums treated	cases	227
Diseased nerves of teeth treated	do	165
Dead teeth treated and filled	do	110

[United States hospital ship.]

* * * I was employed for twelve months by special agreement with the Navy Department to service as a dental surgeon for the officers and enlisted men of the U. S. S. *Yosemite,* and during that time more than 75 per cent of the officers and enlisted men required and received dental service at my hands. Many of the cases were of a more or less serious character, and not a few of them had resulted from incompetent dental service rendered by men who were not educated to dentistry. No class of men are so helplessly in need of skilled dentistry as the men of the United States Navy. I did dental work both while the ship was at anchor in the harbor and while at sea.

ARTHUR R. BENNETT, D. D. S.

As dental conditions in the navy probably differ from those in the army only by reason of the earlier age at enlistment and the longer period of service in the former, we quote from three physicians experienced in army medical service as follows:

[Thomas S. Latimer, M. D.]

There can be no doubt that many soldiers were as effectually disabled by toothache, facial neuralgia, and other ailments, oral and gastric, due to lack of proper treatment, as from any other form of sickness or from gunshot wounds.

Precisely as the exhaustion, exposure, and unsuitability of food incident to an active campaign is the need of good masticatory organs. These being neglected or improperly treated, scurvy, dyspepsia, dysentery, and diarrhea are prone to ensue.

Nor is there any disability from any injury or sickness, even where not directly connected with imperfect mastication, that is not more protracted when mouth complications exist.

I need scarcely say that no ailments occasion greater suffering than toothache and neuralgia arising from decayed teeth. Nor are any more susceptible of prompt and complete relief under proper management. I may add that the regimental surgeon is incompetent to render the service required.

[Thomas Opie, M. D.]

That the health, strength, longevity, and courage of the soldier depend in large measure upon his powers of mastication can not be questioned. The dental specialist is best equipped for dealing with these lesions of the teeth, and surely the man who fights his country's battles has the right to claim the comfort and health which accrues from their being in perfect order.

[W. O. Owens, M. D.]

For seven years I have been giving especial attention to the diseases of the mouth and teeth because of their influence on the general health. During the time in which I was in charge of Corregidor hospital about 300 soldiers, more or less disabled by dental disorders, were under treatment. I recall one case in particular, a diarrheal trouble of several months' standing, which resisted treatment until placed under the care of a dentist, whose treatment, directed to the mouth alone, effected a cure and the restoration of the soldier to active duty in two weeks. There were 15 or 20 similar cases, known as pyorrhea of the sockets of the teeth, with pus bathing the teeth, mixing with food, and entering therewith the alimentary tract. Neglected, such cases cause a pensionable disability.

When men are kept at sea continuously for a considerable time or located at remote stations where dental surgeons are inaccessible, it seems to us an inexcusable hardship, and the neglect of proper treatment for the teeth may ultimately result in great expense through pensions, besides the inhumanity and suffering which necessarily occurs in the absence of prompt and scientific treatment of the teeth when needed. The charts or diagrams of some 50 or more particular cases represented to this committee from a single station at Newport, R. I., is ample proof of conditions which ought not to exist.

We therefore recommend that House bill 13851 be enacted.

It seems to me, Mr. Chairman, that the need of this corps is so self-evident, the navy now being utterly without service of this character, that unless some gentleman desires to ask some question in regard to the bill I will yield the floor and reserve the balance of my time.

Mr. GILLESPIE. I would like to ask the gentleman a question.

Mr. DAWSON. I will yield to the gentleman from Texas.

Mr. GILLESPIE. What is the maximum age limit for these dentists? I understood the reading of the bill to be 35 years.

Mr. DAWSON. The age limit is 24 to 35 years.

Mr. GILLESPIE. What is the necessity of putting that limit so low as 35 years?

Mr. DAWSON. This is a service where the members of it may be sent to sea, and we should have comparatively young men for the service.

Mr. GILLESPIE. I want to express my protest against the Oslerism contained in the bill, that a man over 35 years of age, although he possesses all the qualifications, mental and physical, and stands the examination, yet, because he is over 35 years of age, he shall be turned down.

Mr. DAWSON. That is simply the entrance qualification, the gentleman should understand.

It is not necessary for a man to get out of the service when he reaches the age of 35. That is simply the age limit at entering.

Mr. GILLESPIE. That is what I am speaking of. I do not believe the entrance bars ought to be put up against him simply because he is over 35 years of age.

Mr. DAWSON. I will state to the gentleman that, in my opinion, a dentist who has passed the age of 35 years and who is not receiving an income above that provided in this bill is not the kind of a dentist that we want in the navy.

Mr. OLMSTED. Then, may I ask the gentleman if he thinks any dentist not receiving that income is qualified?

Mr. DAWSON. Not necessarily.

Mr. OLMSTED. In the absence of the gentleman from Massachusetts [Mr. GILLETT], I would like to inquire further whether these dentists are to be appointed after competitive examination, or what examination they will undergo?

Mr. DAWSON. By the terms of the bill it is provided that they shall be graduates of standard dental colleges, trained in the several branches of dentistry, of good moral character and professional standing, and shall pass a professional examination.

Mr. OLMSTED. An examination by whom—the Civil Service Commission?

Mr. DAWSON. No; an examination which is prescribed by the Medical Department of the navy.

Mr. OLMSTED. A young man of 24 would not be very greatly trained.

Mr. DAWSON. No; but the gentleman will recognize that some age limit must be fixed.

Mr. OLMSTED. I agree that the maximum ought to be raised a little above 35 or else the aching teeth of the navy may find themselves in worse condition after this treatment proposed than they are now.

Mr. DAWSON. I think not, after these dentists have passed the examination which the Surgeon-General of the Navy will prescribe for entrance.

Mr. GAINES of Tennessee. Mr. Chairman, I want to ask the gentleman a question. I want to know why the word "acting," in line 8, is used—acting assistant surgeons? What is the significance of that in military law and military society, and so forth? Are these dental surgeons to be more or less ostracized in military and naval society, on the ships and on the land and otherwise, because they are "acting" surgeons?

Mr. DAWSON. Our committee has not endeavored to deal with the social phase of these dentists——

Mr. GAINES of Tennessee. I want to know what the committee means.

Mr. DAWSON. Nor the social status of them. That is a rank in the navy—acting assistant surgeon and assistant surgeon. The rank carries the pay.

Mr. GAINES of Tennessee. But I am afraid it does not carry much of anything else that is social. I fear this and I want to know exactly what we are doing before we do it. I was working for dental surgeons in the army and navy probably before the gentleman came to Congress, and I am glad to know that he has brought a bill in on this subject. I really have heard, and hence I am inquiring, that an "acting" surgeon in the army is not treated with that social deference that the gentleman who is "acting" is entitled to receive, and I want to know what the gentleman knows about that, and I want to know the significance of the term "acting" as here used.

Mr. DAWSON. Under this bill these dentists would be on the same footing as the acting assistant surgeons of the navy now and in other branches of the Medical Corps. It did not seem to our committee to be important to the seaman who had an aching tooth as to what the social status of the dentist might be.

Mr. GAINES of Tennessee. Yes; and he might go and pull all the teeth out of a man's head and save his life, and yet go to a military or navy entertainment that night, and because he did not have epaulettes along his horse's mane he is ostracized. [Laughter.] He is "looked down on." I want you to make a law here, and I want him, if he is a dental surgeon, and a gentleman also, to have a status that will give him that to which he is entitled to have in military and civil life.

Mr. MANN. Plenty of gilt.

Mr. DAWSON. I am sure my friend from Tennessee is a higher authority on social matters than I am.

Mr. GAINES of Tennessee. Well, I am an authority on common sense and justice on land and sea both. [Laughter.]

Mr. DAWSON. I appreciate that also, and I will say to my friend from Tennessee that these dentists would have the same status and the same amount of gold braid, I assume, that any other acting assistant surgeon in the navy would have. I am sure it is not the desire of the gentleman from Tennessee to place these dental surgeons above the other acting assistant surgeons in the navy.

Mr. GAINES of Tennessee. Not at all; but a little prefix to a name goes a long way sometimes, and a little suffix, too, I regret to say.

Mr. MANN. Will the gentleman from Iowa yield to me in order that I may have the gentleman from Tennessee answer a question?

Mr. DAWSON. Certainly.

Mr. MANN. It has been suggested to me by the gentleman from Kentucky [Mr. OLLIE M. JAMES], whether the gentleman really believes that any dentist who would pull all the teeth out of a man's head at one time is entitled to any courtesies at any time.

Mr. GAINES of Tennessee. I do; and I have seen men's lives saved, and I have seen men with no teeth who were as much of a gentleman as is my distinguished and delightful friend from Illinois. What objection would the gentleman from Iowa have to striking out the word "four," in line 10, and instead of having the minimum age limit 24, making it 20, because I know, and the gentleman knows, that we have many excellent dentists graduated in this country at the age of 20. I knew splendid dentists at the age of 18, who had not graduated, but who have since become famous in their profession. I really fear the minimum at 24 is too high. Let us say 20.

Why, we graduate a multitude of magnificent dentists in the city of Nashville, at the Vanderbilt and Nashville universities, and doubtless in your State, who are as capable at 20 years as at 24, because they are capable to start with, and they have had all this cultivation for three years at those great schools. When I attended a medical college and graduated, I only attended it for two years, and I think I am somewhat an authority on the subject.

Mr. BATES. I would like to ask the gentleman from Tennessee if he regards a man as a capable dentist to take care of the teeth of the navy of the United States who knows nothing but merely the narrow confines of dental surgery?

Mr. GAINES of Tennessee. A man can not graduate in dentistry if he does not know all about a man's mouth and head.

Mr. BATES. He should know the anatomy of the whole body.

Mr. GAINES of Tennessee. And, as a rule, he does.

Mr. BATES. He should know the nerves of both the head and the whole body. He should have, in other words, a thorough medical education before——

Mr. GAINES of Tennessee. I want to say that in the dental colleges, certainly in my section, when a man graduates in dentistry he graduates with the knowledge of nerves and the physiology of the whole human body and can, more or less, treat a man for general ailments. But I am not talking about that plan. I am talking about dentists graduated at a dental course——

Mr. DAWSON. Mr. Chairman, when the gentleman gets through asking the question I will be very glad to answer it. I fear if we lower the age limit we could not be able to comply with the terms of the bill, which states they—

Shall be graduates of standard dental colleges, trained in the several branches of dentistry.

Mr. GAINES of Tennessee. They are trained before graduating.

Mr. DAWSON. I do not believe the gentleman can assume a boy of 20 years is trained——

Mr. GAINES of Tennessee. Did the gentleman consider himself a boy at 20 when he was at college?

Mr. MANN. He did not then, but he does now.

Mr. GAINES of Tennessee. No; the gentleman thought himself a man.

Mr. DAWSON. The average boy does not consider he is a man until he is 21.

Mr. GAINES of Tennessee. He considers himself a man long before he comes to Congress.

Mr. DAWSON. Yes.

Mr. GAINES of Tennessee. Sometimes a man is highly entertained when he thinks to himself. Josh Billings, when asked why he talked to himself, said——

Mr. DAWSON. Mr. Chairman, I yielded to the gentleman from Tennessee for a question.

Mr. GAINES of Tennessee. We got into a very delightful colloquy, and I was going to tell what Josh Billings said. Josh Billings was asked why he talked to himself, and he said he did so for two good reasons: One was because he liked to hear a smart man talk and the other was because he liked to talk to a smart man. [Laughter.] Now, Mr. Chairman, I want——

Mr. DAWSON. It would be a great thing if Josh Billings's example was emulated in this House a little more.

Mr. GAINES of Tennessee. Mr. Chairman, that is one of the gentleman's "temporary fillings."

Mr. DAWSON. Mr. Chairman, I move to lay the bill aside with a favorable recommendation.

Mr. GAINES of Tennessee. Mr. Chairman, I want to be heard on the bill.

Mr. DAWSON. Then, Mr. Chairman, I reserve the balance of my time.

Mr. GAINES of Tennessee. Mr. Chairman, I have not the slightest doubt in the world but that this bill is a step in the right direction, and I shall vote for it even if not amended. For about ten years many of the dental colleges and dental associations throughout the United States have been trying to get this kind or some kind of legislation enacted, whereby dentists could be furnished the army and also the navy. Now, I will tell you something that I happen to almost know. Dr. J. Y. Crawford, of Nashville, Tenn., was the first man who mentioned the matter to me, just before or during the Spanish war. He is a distinguished dental surgeon of Nashville, Tenn. He has been three times elected president of the dental association, and they suspended its rules to elect him the third time. He is now one of the great dentists of the country and is an authority on that subject. While our troops were down at Chickamauga Park during the Spanish war he happened to go up to the camp; and just looking around, looking after the sick soldiers, as a doctor would do or any good citizen would do, what did he find? He found three or four soldiers who were in a collapsed condition suffering from their diseased teeth. He examined their teeth for them as a matter of charity and goodness and waited on them and did not charge them a cent. That brought the subject sharply to his attention, and he then brought it sharply to my attention, and I at once set to work in Congress to get some dental legislation for the army and possibly the navy. Subsequently, as you all know, dental legislation was adopted for the army, and you remember, I believe, we passed a bill introduced by the lamented Mr. Otey, a former Member of Congress, now deceased. The law has worked well. Now, I do not see why the navy should not have official dentists. As to whether it is the right kind of a bill or not, we are little prepared to say. We have never heard it discussed before or read it before. We did not know it was to come up. But rather than not have any bill, I am going to vote for it. But I believe it should be amended. I do not like the Oslerized proposition of 35 years. There are soldiers in the army to-day in the Philippines that are far more than 35 years.

Mr. DAWSON. Were they 35 years at the time of their entrance?

Mr. GAINES of Tennessee. There were some who went from Tennessee that fought in the Confederate army. I know one citizen of Tennessee to-day, the Hon. W. J. Whitthorne, a man who is as brave as Julius Cæsar, who went almost at the head of his regiment. He returned with his regiment, emaciated, as others were, but he lives to honor his State and his name. His brother, W. C. Whitthorne, made such a good chairman of the Committee on Naval Affairs at one time that he was afterwards called "Admiral Whitthorne." The late President McKinley on a number of occasions spoke of this regiment in the highest terms. When this regiment started home, and was out on the sea, they heard the cannon of the enemy. The ship was turned around and they went back and fought for the flag, and a lot of their graves are to-day in the Philippine Islands. That is the kind of stuff we send from Tennessee, to fight for the flag.

Talk about 35 years of age. Why, if I were a dentist they would shut me out, and shut out the gentleman from Iowa [Mr. DAWSON] in a few years. It would shut out a third of this House and nearly all of the Senate. Why, a dentist does not have to go out and expose himself to the weather. He is in a tent or in a house. He is well protected and should be. His instruments have to be. He has to have all sorts of anodynes and all sorts of delicate instruments with which to treat the nerves of the mouth with the tenderest care, as we all know. I do think the 35-year limit is too narrow, and I would like to know if there is any way to amend this bill, Mr. Chairman. Can I offer an amendment?

The CHAIRMAN. The bill will be read under the five-minute rule for amendment.

Mr. DAWSON. The time for amendment will come later.

Mr. GAINES of Tennessee. Now, Mr. Chairman, I thank the committee for this indulgence. I happen to know something about this subject, as you see, and something about the legislation we have had, and have made some practical observations that I hope will help pass the bill, amended or not amended.

Mr. MANN. Mr. Chairman, I understood my distinguished friend from Tennessee [Mr. GAINES] to say that they had no notice that such a bill would come up, did not know such a bill was pending, and hence was not prepared upon the bill.

There is no one in the House probably who is more active in watching legislation than the gentleman from Tennessee. The gentleman said we did not have notice of the bill, thereby including other Members than himself. This bill was reported into the House on March 13 last. I read the bill long ago. I am rather surprised that the gentleman from Tennessee had not noticed the bill. It was introduced on February 6 last. Prior to this bill there was a bill reported from this committee on March 3, 1905, and another bill on March 9, 1906, and before that time there had been a bill reported in 1904, and before that time in 1901. And my distinguished friend from Tennessee never caught on to the fact that these bills were pending in the House so that he might be prepared when it did come up.

Mr. GAINES of Tennessee. Were any of those bills debated or considered in the House?

Mr. MANN. Well, does the gentleman from Tennessee wait until a bill has been discussed in the House before he gets any information in regard to it?

Mr. GAINES of Tennessee. Do we know beforehand? Did you know beforehand?

Mr. MANN. Certainly I knew beforehand. I knew this bill might come up. I have had the bill on my desk, marked as to what ought to be done with it. The gentleman from Tennessee ought to be equally vigilant.

Mr. GAINES of Tennessee. But did the gentleman have anybody to help him look up these bills, and give him the information?

Mr. MANN. I have had no one to help me do that.

Mr. GAINES of Tennessee. I want to say, Mr. Chairman, that I believe the gentleman from Illinois is the most industrious man in Congress. I say it seriously; I want to pay him that compliment.

Mr. MANN. I am not as industrious as the gentleman from Tennessee. But we have, neither one of us, any right to complain that we are not familiar with the provisions of the bill so as to be prepared to offer an amendment if we wish to. This bill has been pushed for years, and it had been up for years before it was pushed.

Mr. OLMSTED. It has been on the Union Calendar for some time.

Mr. MANN. Now, Mr. Chairman, I would like to ask the gentleman for some assurance with reference to the future of these dental surgeons, if we may have them. The gentleman from Tennessee believes they ought to be, in the first place, put upon the same plane as other naval officers so far as the social side of life is concerned. That may be true; I doubt not that they will be before very long. But when we pass a bill of this kind—and I am in favor of passing this bill as it stands, without amendment—I would like to know what it will lead to, if I can find out, in the future. The bill provides for the appointment of not to exceed 30 dental surgeons, to have the rank and compensation of acting assistant surgeons in the navy. First, may I ask the gentleman from Iowa, What is the compensation of assistant surgeons of the navy?

Mr. DAWSON. I quote from a recent statement of the Secretary of the Navy. During the first five years after date of appointment an acting assistant surgeon, on leave or waiting

orders receives $1,000 a year; on shore duty, $1,400 a year, and on sea duty, $1,700 a year.

Mr. MANN. And that increases 10 per cent every five years, I think.

Mr. DAWSON. They get the benefit of longevity.

Mr. OLMSTED. And they will finally be put on the retired list at three-fourths or full pay.

Mr. MANN. The gentleman said no, and I assume he is correct upon reading the bill; and yet there may be some doubt. "Shall have the rank and compensation of acting assistant surgeons in the navy." If the President should determine to appoint these dental surgeons for a term of forty or fifty years, which is very likely, when they have served that time they would be entitled to go on the retired list. I do not know that I have any objection to it. One thing is very certain in my mind; that long before that term will have expired, long before any of these dental surgeons would be allowed to go upon the retired list, we will be called upon to pass, and will have passed, a law conferring upon them precisely the same privileges, the same rank, the same power, the same retirement, that we have conferred upon surgeons of the navy. I take it that while this bill, in the first place, does not seek to do all this, it is a mere entering wedge in that respect.

Mr. DAWSON. Mr. Chairman, if the gentleman will permit me——

Mr. MANN. Yes; that is just what I am trying to get you to do.

Mr. DAWSON. I wish to say that the intent and purpose of the committee was to guard against the very thing which the gentleman speaks of, and he will observe in line 13 of the bill that these appointments are revocable at the pleasure of the President as the years go on.

Mr. MANN. Yes; and that is the case with the superannuated clerks in Washington. The gentleman and I are upon the Committee on Reform in the Civil Service, considering pensions for superannuated clerks. Their appointments are revocable. There is not one of them that may not be discharged to-morrow by the President; but will he discharge them? No. Would the gentleman discharge them if he were President? No. Would I discharge them? No.

Mr. DAWSON. And would any President of the United States appoint them for forty years? No.

Mr. MANN. Well, I am not so sure about that. I should say that there would be the same reason for making life appointments for dental surgeons in the navy as there would be for making life appointments for surgeons in the navy.

Mr. BATES. Are those gentlemen, of whom the gentleman from Illinois complains, bettering their condition as time goes on? Are these men appointed for a term of years, as it is contemplated that these acting assistant surgeons shall be appointed?

Mr. MANN. They are not.

Mr. BATES. I think that makes the distinction very clear, that if these men at the end of a term of ten or fifteen or twenty years are inefficient, they will be dropped and new men appointed.

Mr. MANN. Then, I call the attention of the gentleman to this proposition, suggested by his inquiry: Suppose the President appoints these naval surgeons for a period of ten years?

Mr. DAWSON. I should think the appointive term would probably be more likely to be four years than any other.

Mr. MANN. Assume it to be four years, then. I will take the gentleman's statement. If one of them is over 35 years old at the end of the four years, what shall be done with him? Shall he be hoisted out of the navy?

Mr. DAWSON. The thirty-five years limit is at the beginning; simply the entrance limit.

Mr. BATES. That is for his original appointment.

Mr. MANN. Not at all. The first appointment and the second appointment under this bill are on exactly the same terms. The first time a man is appointed postmaster he gets a commission and his term is four years. When his term expires, if he is reappointed, that is a new appointment ab initio.

Mr. OLMSTED. Under this bill if a man is over 35 he can not be appointed again.

Mr. MANN. It is ab initio, a new appointment entirely, and I call the attention of the gentleman to the fact that there is nothing in the bill which authorizes the President to reappoint the same person at the end of his first term if he is over 35 years of age, and the only way in which the President can avoid that is to make a long-term appointment. I shall not criticise him if he does that. I think if you have a good man as a dental surgeon in the navy, you had better keep him; but, plainly, in the end he will ask to be put upon the retired list, and perhaps ought to be.

Mr. DAWSON. The Dental Corps in the Army of the United States was established some years ago. They have no retirement provision in that corps, and it was sought in this bill to place the naval corps upon the same footing.

Mr. MANN. I think the gentleman's committee is right about that at this time, and I would feel better if I could have the assurance of the committee that they were not going to bring in a bill changing it.

Mr. DAWSON. It was pointed out here, I think on yesterday, very distinctly and plainly by the gentleman from Illinois that the present Congress can not bind any future Congress.

Mr. MANN. That is true.

Mr. DAWSON. And of course he will appreciate the fact that one humble member of the Naval Committee could not bind the action of the future Naval Committees of this House.

Mr. MANN. That is true; but the gentleman can make a statement for himself. I have observed that.

Mr. DAWSON. Mr. Chairman, I move that the committee rise and report the bill back to the House with a favorable recommendation.

The CHAIRMAN. If there be no amendment——

Mr. GAINES of Tennessee. I want to offer some amendments.

The CHAIRMAN. The bill will now be read for amendment.

The Clerk read as follows:

Be it enacted, etc., That the President be, and he is hereby, authorized to appoint dental surgeons to serve the officers and enlisted men of the Navy and Marine Corps, not to exceed 30 in all. Said dental surgeons shall be attached to the Medical Department of the Navy; shall have the rank and compensation of acting assistant surgeons in the navy; shall be graduates of standard dental colleges, trained in the several branches of dentistry; within the age limits of 24 and 35 years; of good moral character and professional standing; and shall pass a physical and professional examination; and their appointment shall be for a term of years and revocable at the pleasure of the President: *Provided*, That the dentist now employed at the Naval Academy shall not be displaced by the operation of this act.

Mr. GAINES of Tennessee. Mr. Chairman, I offer an amendment, on line 10, to strike out the word "four" and insert the word "one," so that the age limit shall be 21 instead of 24 years for entrance.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

In line 10, page 1, strike out "four" and insert "one."

Mr. MANN. I hope the gentleman will withdraw that amendment. I would not want a surgeon of 21 taking care of my teeth if they were in bad shape, and I do not think the gentleman from Tennessee would. I do not think we ought to put on board ship, away from where he can have consultation, away from where he can get in touch with another surgeon, a mere tyro, who can know but very little about the practical side of the work in which he is engaged. Twenty-four years is a young enough age limit for a man who may be put aboard ship in the South Sea or some other place a long way from home to take care of the teeth of our sailors.

Mr. GAINES of Tennessee. I fully appreciate what my friend says, but I wish to say to him that a young man 18 or 19 years old, not yet a voter, was the first man who ever practiced dentistry on me. In a few years he worked himself through college and graduated at the head of his class and was the medal man, and is now one of the finest dentists in the country.

Mr. MANN. He may be an exception; but we will not get exceptions in the navy.

Mr. GAINES of Tennessee. I mention this specific instance to show that the argument is not a sound one that a man has got to be 24 years old before he can become a dentist.

Mr. MANN. But the gentleman from Tennessee gives an exceptional case and not an average case.

Mr. GAINES of Tennessee. It is an actual case; and I want to say that the dental curriculum requires a man to give three years and the medical profession has raised it to four years.

Mr. DAWSON. The last statement of the gentleman from Tennessee only emphasizes the fact that the age limit ought not to be reduced below 24 years.

Mr. GAINES of Tennessee. Suppose he graduates at 21?

Mr. MANN. Then let him practice a little while.

Mr. DAWSON. This question of age limit was carefully considered by the committee. The minimum was placed as low as we thought it was safe to place it, and the maximum as high as the committee thought it ought to be placed, taking into account the nature of the service. It is not a service alone at a navy-yard or a shore station. It may be a service in the Tropics or points far distant. The committee considered that phase very

carefully and determined upon the ages of 24 and 35, and I believe the committee ought to be sustained.

Mr. BATES. Mr. Chairman, I hope the amendment offered by the gentleman from Tennessee will not prevail. He says, "Suppose the young man graduates at the age of 21." He ought not to graduate in a training school at the age of 21. If he is to be a well-rounded and well-educated man he ought to have a general education which shall precede the specific education. I believe there is a great deal of truth in the saying that the difference between a training school, like a law school or a dental school or a medical school, and that of general culture in the colleges is the difference that in the one a man is taught to earn his living and in the other he is taught how to live. Both of these teachings ought to be required in a case of this kind, where the young man is to be isolated from his home influences and go into the navy of the United States. He ought to be a well-rounded man, Mr. Chairman, and have some general culture and training such as the American colleges can give. He ought to know something more than simply where the molars are situated and where the specific nerves of the teeth should have treatment. He ought to have general education and then have this dental training; and no man, unless he is an exception to the general rule, can accomplish that before he reaches the age of 23 or 24. In addition to that, Mr. Chairman, he ought to have a little practice, to begin with. He ought to have some general experience or hospital training before he launches out into this career. I hope the amendment of the gentleman from Tennessee will be voted down.

Mr. GAINES of Tennessee. Mr. Chairman, in reply to what the gentleman has just said, I want to say that from the time a dental student enters the dental college he is doing practical work in dentistry. He is doing it day in and day out, and before he graduates he has to stand an examination in practical dentistry. He is not allowed to graduate until he takes that examination. He is not allowed simply to read books and quote what this great doctor has done or what the other great doctor has done and simply to know a little about anatomy; he is required to work day in and day out and graduate in the practical work of dentistry. He can not make a good dentist unless he is a good anatomist, and vice versa.

They do not graduate dentists now and give them a commission to go out and invade people's mouths, who are not practical surgeons when they go out. It is not like the old story you have heard about the dentist who went out with his hammer and pair of tongs as long as your arm, but now he must be a scientific surgeon when he leaves the great dental colleges of this country, even if he graduates at 16. Why, Mr. Chairman, Story was on the bench when he was a younger man than is the gentleman from Pennsylvania, and the gentleman from Pennsylvania is a fairly good lawyer and of course he has quoted Story time and again.

Now, I say that the young man who has graduated at our great dental universities is a skilled surgeon when he graduates. He is skilled in the general knowledge of the dental business; he is skilled in the practical knowledge, and goes out into the world a full-fledged, scientific, and practical surgeon, capable of attending to anybody's needs, whether he is on land or on sea.

Why, Mr. Chairman, I happen to know something about this. I live, unlike the gentleman from Pennsylvania, in a city that is studded with colleges, male and female, black and white. [Laughter.]

Mr. BATES. Mr. Chairman, I want to ask the gentleman if he lives in a city, as I do, where there is a theological seminary——

Mr. GAINES of Tennessee. I do; and they do us more good, I have no doubt, than they do the people of the gentleman's city. [Laughter.]

Mr. BATES. And I want to ask him if he has four institutions of learning in his city as I have in mine? A college—Allegheny—where the late President McKinley was educated, and of which I have the honor of being a trustee; a college of music; and a business college?

Mr. GAINES of Tennessee. Yes; I think there are five or six in mine, and more coming [laughter], and universities. You can hardly keep them out. I am satisfied that if the gentleman from Pennsylvania would come down to Nashville he would want to stay there. I would introduce him to some of the greatest dentists in this country. I would introduce him to one of the greatest dentists this country has ever seen.

Mr. BATES. How old is he?

Mr. GAINES of Tennessee. He is noted all over the country and is consulted by people from all over the country. He is Dr. J. Y. Crawford.

Mr. BATES. Is he not over 20 years of age?

Mr. GAINES of Tennessee. Yes, he is over 20 years of age; but he went to an ordinary dental college, and since that time has founded colleges.

Mr. BATES. Will the gentleman from Tennessee not admit that his distinguished friend was a better dentist at the age of 24 than he was at the age of 21? [Laughter.]

Mr. GAINES of Tennessee. I do not know. He is good all the time. [Laughter.]

Mr. BATES. If he admits that, he gives away his amendment.

Mr. GAINES of Tennessee. He is good all the time. He is a natural-born dentist. [Laughter.] In addition to that, Mr. Chairman, my colleague [Mr. SIMS] says that he was born and reared in his district, and that should be absolute proof of the truth of what I have said.

Mr. Chairman, concluding this matter, I really do think that we are shutting out a lot of splendid young surgeons who would be glad to come into the service and do good service, and that being the case I want to give everybody under proper limitations a good chance. I am against monopoly of all sorts, and I want, wherever I can, to give everybody a chance; not hope only, but a practical chance.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee.

The question was taken; and on a division (demanded by Mr. DAWSON) there were—ayes 21, noes 42.

So the amendment was rejected.

Mr. GAINES of Tennessee. Mr. Chairman, I offer another amendment, to strike out in the same line, including line 11, the words "thirty-five," and insert in lieu thereof the word "forty."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, lines 10 and 11, strike out "thirty-five" and insert "forty."

The CHAIRMAN. The question is on the amendment.

The question was taken; and on a division (demanded by Mr. GAINES of Tennessee) there were—ayes 27, noes 40.

So the amendment was rejected.

Mr. DAWSON. Mr. Chairman, I now renew my motion that the committee rise and report the bill favorably to the House.

The motion was agreed to.

Accordingly the committee arose; and the Speaker having resumed the chair, Mr. CAPRON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 16620) authorizing the appointment of dental surgeons in the navy, and had directed him to report the same back with a recommendation that the bill do pass.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, read the third time, and passed.

On motion of Mr. DAWSON, a motion to reconsider the last vote was laid on the table.

The SPEAKER. The Clerk will call the next committee.

The Clerk proceeded with the call of committees.

PROMOTION OF INDUSTRIAL PEACE.

Mr. BARTHOLDT (when the Committee on Labor was called). Mr. Speaker, I call up the bill (H. R. 19662) to amend an act entitled "An act to establish the Foundation for the Promotion of Industrial Peace," which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That section 2 of an act entitled "An act to establish the Foundation for the Promotion of Industrial Peace," approved March 2, 1907, be amended so as to read as follows:

"SEC. 2. That it shall be the duty of the trustees herein mentioned to invest and reinvest the principal of this foundation, to receive any additions which may come to it by gift, bequest, or devise, and to invest and reinvest the same; and to pay over the income from the foundation and its additions, or such part thereof as they may from time to time apportion, to a committee of 16 persons, to be known as the "industrial peace committee;" said committee to consist of the 7 trustees and 9 other persons to be selected by the trustees, 3 of whom shall serve as members of the committee for the period of one year, 3 as members for the period of two years, and 3 as members for the period of three years; 3 of the 9 members thus selected by the trustees to be representatives of labor, 3 to be representatives of capital, each chosen for distinguished services in the industrial world in promoting righteous industrial peace, and 3 members to represent the general public. Any vacancies which may occur in this committee shall be filled by the selection and appointment in the manner prescribed for the original appointment of the committee, and when the committee has first been fully selected and appointed each member thereafter appointed shall serve for the period of three years or for the unexpired portion of such term."

SEC. 2. That section 3 of the said act be amended so as to read as follows:

"SEC. 3. That the industrial peace committee herein constituted shall arrange for such meetings and conferences in the city of Washington,

D. C., as it may deem advisable, of representatives of labor and capital for the purpose of discussing industrial problems with the view of arriving at a better understanding between employers and employees. It shall call such conferences in case of great industrial crises and take such other steps as in its discretion will promote the general purposes of the foundation, subject, however, to such rules and regulations as may be prescribed by the trustees. The committee shall receive suggestions for the subjects to be discussed at the meetings and conferences, and be charged with the conduct of the proceedings at such meetings and conferences, and shall also arrange for the publication of the results of such meetings and conferences."

Mr. BARTHOLDT. Mr. Speaker, the purpose of the amendments by which this bill seeks to amend an act passed in the last Congress is perhaps best explained in a letter which I have received from Hon. Oscar S. Straus, the Secretary of Commerce and Labor, and which I desire to have read from the desk.

The Clerk read as follows:

DEPARTMENT OF COMMERCE AND LABOR,
OFFICE OF THE SECRETARY,
Washington, March 19, 1908.

MY DEAR CONGRESSMAN: At the last joint meeting of the trustees and the committee of the Foundation for the Promotion of Industrial Peace a resolution was adopted recommending that section 2 of the act of March 2, 1907, be so amended as to effect a change in the membership of the Industrial Peace Committee, and I was instructed to bring the matter to the attention of Congress, with the view of securing the amendment of the act in question.

Knowing your personal interest in the beneficent purpose contemplated by Congress in making provision for the use of the Nobel prize, I have the honor to submit herewith a draft of the proposed amendment to section 2, with the request that should it meet with your approval you introduce the same in the House and use your good offices in securing its enactment.

The amendment provides that the Industrial Peace Committee shall consist of 16 members instead of 9 as now provided, and shall include the 7 trustees created by the act. It is believed that the cooperation of the trustees with the committee appointed by them will place a practical responsibility upon the trustees commensurate with the importance of the trust, and that the unification of the two bodies will best subserve the interests involved.

Upon my own responsibility I have also drafted an amendment to section 3, which does away with the necessity of calling an annual conference of the representatives of capital and labor for the purpose of discussing industrial problems. I am convinced that a compulsory annual meeting between the representatives of capital and labor is not advisable, and that better results will be accomplished by leaving it within the discretion of the committee to call meetings when deemed necessary.

A draft of these proposed changes has been sent to Hon. JOHN W. DANIEL, of the Senate, in order that consideration of the matter may be had by that body.

Very truly, yours,

OSCAR S. STRAUS, *Secretary.*

HON. RICHARD BARTHOLDT,
House of Representatives, Washington, D. C.

Mr. BARTHOLDT. Mr. Speaker, as appears from this letter, the amendments which are here proposed to the original act are merely technical in character. They provide that instead of two bodies which are to administer this fund only one body is to be created, consisting of 7 trustees, namely, the Chief Justice of the United States, the Secretary of Agriculture, and the Secretary of Commerce and Labor, 1 person to represent capital, 1 person to represent labor, and 2 persons to represent the general public. Those 7 persons are the board of trustees. There are to be added to these 7 persons 9 citizens of the United States, 3 to represent capital, 3 to represent labor, and 3 to represent the general public. Under the terms of the original act the board of trustees had really no functions to perform excepting to turn over the money which is to be collected under this law to the committee of 9 as a working committee. The trustees and the committee of 9 held a meeting last spring, and upon due consideration of the whole subject they came to the conclusion that it would be more advantageous and secure a more efficient administration of the trust if the two bodies can be unified and placed upon the same footing, so that the fund is to be administered by a committee or a board of 16 persons. That is the first amendment.

The second amendment merely provides that the meetings which are to be held for the discussion of questions affecting labor and capital shall not be compulsory, but shall be held in the discretion of the board of trustees. The Committee on Labor has carefully considered these amendments and has reported this bill favorably to the House, and I ask its passage at this time. Unless some Member desires to ask any questions, I shall reserve the balance of my time.

Mr. MANN. Will the gentleman tell what, if anything——

Mr. BARTHODLT. Mr. Speaker, I reserve the balance of my time.

The SPEAKER. Does the gentleman from Missouri yield?

Mr. BARTHOLDT. Certainly.

Mr. MANN. What, if anything, has been done under the act which was passed in the last Congress?

Mr. BARTHOLDT. The only thing, as I understand, Mr. Speaker, that has been done was a meeting of the gentlemen appointed by the President of the United States under this bill, namely, the seven trustees and the committee of nine. They held a meeting in this city in March last, and after carefully considering the whole subject came to the conclusion that it would be necessary to pass this amendment in order to more effectually carry out the purposes of the donor, the President of the United States.

Mr. MANN. The law has been in operation now nearly two years with a very impressive title, "An act to establish the foundation for the promotion of industrial peace." They have the money and the title. Have they done anything in two years' time toward accomplishing the purpose?

Mr. BARTHOLDT. Mr. Speaker, I do not think that the total amount of money which was contained in the donation will go very far in the direction of establishing industrial peace in this country, but money is probably not the essential thing.

Mr. MADDEN. Will the gentleman yield——

Mr. BARTHOLDT. In a moment; I wish to answer this first. In fact, according to the terms of this bill, not the original fund but only the interest of the fund can be used for the purposes of this legislation. The idea was, of course, that American philanthropists might be induced to add to that nucleus of $40,000, which was created by the generous donation of the President, so that eventually a larger fund might be had for the noble purpose of promoting industrial peace.

Mr. MANN. I might say to the gentleman I am not asking for idle curiosity. Our committee had the Townsend bill pending in the House, which was discussed for a day in reference to the appointment of arbitration boards, and I asked because I thought the gentleman would be informed as to what really had been done. They have had the interest for some portion of time on this money. I understand the principal was $40,000. Now, what, if anything, has been done under the provisions of that act except meeting and saying they wished further legislation?

Mr. BARTHOLDT. That is about right. They could do nothing and could not properly organize until Congress could enact this additional legislation.

Mr. MADDEN. Will the gentleman yield?

Mr. BARTHOLDT. Yes, sir.

Mr. MADDEN. Does the committee have a permanent organization, and does it attempt to collate data in relation to the industrial situation?

Mr. BARTHOLDT. As I understand, Mr. Speaker, nothing has yet been done in that direction, but it is undoubtedly proposed to do that very thing. In fact, if the expressed purposes of the gentlemen who are interested in this matter are to be carried out, this organization will in the course of time, probably, take the place of what is now called the "Civic Federation."

Mr. MADDEN. There is no power before the committee under the law to force any settlement of any industrial difficulty.

Mr. BARTHOLDT. No, sir; there is nothing of that kind in the bill.

Mr. MADDEN. What is the special function of the committee?

Mr. BARTHOLDT. I take it, Mr. Speaker, that the discussions, which will be carried on under the provisions of this bill, will be more or less in the nature of academic discussions of questions of capital and labor.

Mr. MADDEN. Educational in their character.

Mr. BARTHOLDT. Educational in their character; and if some great occasion might arise of great difficulties between those two powerful factors, why, probably, this organization might be called into action.

Mr. MADDEN. Would the gentleman consider this committee as being of as much importance in the settlement of industrial difficulties as any proposed committee of compulsory arbitration that might be created under the law?

Mr. BARTHOLDT. Well, this board would surely not be as effective, because they have not the power to arbitrate.

Mr. MADDEN. Would anybody have the power, even though it might be delegated to them by law?

Mr. BARTHOLDT. I do not think this Congress would have the jurisdiction to provide compulsory arbitration.

Mr. MANN. Will the gentleman yield further?

Mr. BARTHOLDT. Yes, sir.

Mr. MANN. The bill provides that they shall arrange for the publication of the results of the meetings and conferences. Is there anything in the former law requiring a report to Congress?

Mr. BARTHOLDT. Mr. Speaker, I think it might be well if the original act be read—it is short—for the information of the House, and I send it to the Clerk's desk.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That the Chief Justice of the United States, the Secretary of Agriculture, and the Secretary of Commerce and Labor, and their successors in office, together with a representative of labor and a representative of capital and two persons to represent the general public, to be appointed by the President of the United States, are hereby created trustees of an establishment by the name of the "Foundation for the Promotion of Industrial Peace," with authority to receive the Nobel peace prize awarded to the President and by him devoted to this foundation, and to administer it in accordance with the purposes herein defined. Any vacancies occurring in the number of trustees shall be filled in like manner by appointment by the President of the United States.

SEC. 2. That it shall be the duty of the trustees herein mentioned to invest and reinvest the principal of this foundation; to receive any additions which may come to it by gift, bequest, or devise, and to invest and reinvest the same; and to pay over the income from the foundation and its additions, or such part thereof as they may from time to time apportion, to a committee of 9 persons, to be known as "The industrial peace committee," to be selected by the trustees, 3 members of which committee shall serve for the period of one year, 3 members for the period of two years, and 3 members for the period of three years; 3 members of this committee to be representatives of labor, 3 to be representatives of capital, each chosen for distinguished services in the industrial world in promoting righteous industrial peace, and 3 members to represent the general public. Any vacancies which may occur in this committee shall be filled by selection and appointment in the manner prescribed for the original appointment of the committee, and when the committee has first been fully selected and appointed each member thereafter appointed shall serve for a period of three years or the unexpired portion of such term.

SEC. 3. That the industrial peace committee herein constituted shall arrange for an annual conference in the city of Washington, D. C., of representatives of labor and capital for the purpose of discussing industrial problems, with the view of arriving at a better understanding between employers and employees; it shall call special conferences in case of great industrial crises and at such other times as may be deemed advisable, and take such other steps as in its discretion will promote the general purposes of the foundation; subject, however, to such rules and regulations as may be prescribed by the trustees. The committee shall receive suggestions for the subjects to be discussed at the annual or other conferences and be charged with the conduct of the proceedings at such conferences. The committee shall also arrange for the publication of the results of the annual and special conferences.

SEC. 4. That all expenditures authorized by the trustees shall be paid exclusively from the accrued income and not from the principal of the foundation.

SEC. 5. That the trustees herein named are authorized to hold real and personal estate in the District of Columbia to an amount not exceeding $3,000,000, and to use and dispose of the same for the purposes of this foundation.

SEC. 6. That the principal office of the foundation shall be located in the District of Columbia, but offices may be maintained and meetings of the trustees and committees may be held in other places, to be provided for in by-laws to be adopted from time to time by the trustees, for the proper execution of the purposes of the foundation.

SEC. 7. That the Foundation for the Promotion of Industrial Peace is hereby authorized and empowered, at its discretion, to cooperate with any institutions or societies having similar or like purposes.

SEC. 8. That this act shall take effect immediately on its passage.

Mr. BARTHOLDT. I believe that answers the question of the gentleman from Illinois [Mr. MANN].

Mr. HUGHES of New Jersey. Will the gentleman yield to a question?

Mr. BARTHOLDT. Yes, sir.

Mr. HUGHES of New Jersey. Who makes the appointments now?

Mr. BARTHOLDT. The President makes the appointments.

Mr. HUGHES of New Jersey. And the purpose of this act is to have seven trustees to make the appointments?

Mr. BARTHOLDT. The gentleman will find an answer to his question in the first section of the original act, which says:

That the Chief Justice of the United States, the Secretary of Agriculture, and the Secretary of Commerce and Labor, and their successors in office, together with a representative of labor and a representative of capital and two persons to represent the general public, to be appointed by the President of the United States, are hereby created trustees—

No; section 2 is the proper section. I will read:

That it shall be the duty of the trustees herein mentioned to invest and reinvest the principal of this foundation, to receive any additions which may come to it by gift, bequest, or devise, and to invest and reinvest the same; and to pay over the income from the foundation and its additions, or such part thereof as they may from time to time apportion, to a committee of nine persons, to be known as "The Industrial Peace Committee," to be selected by the trustees, three members of which committee shall serve for the period of three years, three members for the period of two years, and three members for the period of three years; three members of this committee to be representatives of labor, three to be representatives of capital, each chosen for distinguished services in the industrial world in promoting righteous industrial peace, and three members to represent the general public.

So that the committee of nine is to be appointed by the trustees.

The SPEAKER. Is there an amendment?

Mr. BARTHOLDT. There is no further amendment.

Mr. HUGHES of New Jersey. Mr. Speaker——

The SPEAKER. Does the gentleman from Missouri [Mr. BARTHOLDT] yield to the gentleman from New Jersey?

Mr. BARTHOLDT. I yield with pleasure.

Mr. HUGHES of New Jersey. There was some opposition to this bill before the committee; rather serious opposition on the part of some members of the committee who are not present in the House at this time. The main objection seems to have been that it created a sort of a self-perpetuating body and that little could be expected as the outcome of this amendment. Under the language of the amendment the several trustees become members of the commission. Now their functions consist simply of their conduct as custodians of this fund, to invest and reinvest it and turn it over as it may be required to pay the expenses of the members of the commission. This amendment makes these seven trustees, together with nine other persons to be selected by the trustees, members of this commission. At the time the amendment was offered and supported in committee by the distinguished gentleman from Missouri [Mr. BARTHOLDT], who has called up this bill, this objection was made to it. I regarded it as a serious objection then, and some of my colleagues on the committee regarded it as a serious objection also. I think it is a departure from the main object of the bill, which is to have the gentlemen named as trustees responsible only for the funds so as to have two separate and distinct bodies, one body caring for the fund and the other body carrying on the functions of the commission. It is true that it is a harmless sort of proposition, and nothing seems to have been done under it since it came into existence, and there is not very much chance that anything much will be done under it. Nobody has yet seen fit to leave any great sums of money to the commission, but it seems to me that the original act was better than the act will be if this proposed amendment is adopted.

Mr. SLAYDEN. Does it contemplate any ultimate charge on the Public Treasury?

Mr. BARTHOLDT. No; this amendment does not contemplate any ultimate charge on the Treasury.

Mr. MANN. May I ask the gentleman a question? The trustees, or a majority of them, or a portion of them, at least, are officials in Washington—the Chief Justice, the Secretary of Agriculture, the Secretary of Commerce and Labor, and perhaps some others. When I read this bill I took it that the real reason for the bill was because it was impossible to get a quorum here of the nine other persons selected by the trustees. Having some officials in Washington who are trustees would aid the commission in getting a quorum of the commission once in a while by getting the officials here in Washington and two or three from the outside. Is there anything else to it than that?

Mr. HUGHES of New Jersey. Well, I do not know. That reason is not set out in the letter of Secretary Straus, and has not been urged here.

Mr. MANN. That is a reason they could not very well give in public, I suppose. I happen to be one of the Regents of the Smithsonian Institution, and I am quite sure that half the time if there were no officials on the board they would have no quorum to transact business. It is easy for the officials to go to the meetings, but it is very difficult for people to come from abroad sometimes to attend a meeting. Very often they may want to transact some business.

Mr. HUGHES of New Jersey. The reason of the gentleman from Illinois [Mr. MANN] does not seem to me to be an impelling one.

Mr. MANN. I only asked if that were not the reason. That is the only reason I can see for doing it.

Mr. HUGHES of New Jersey. The House a little while ago voted down one of these arbitration propositions, and I find that both classes of supposed beneficiaries of these arbitration acts are against these so-called "benefits" that people are wishing to thrust upon them. Neither the manufacturers nor those engaged in manual labor have any desire to have these acts passed which provide machinery for arbitration of disputes. They can get together any time they want without any act of Congress and without any state laws.

I do not know of any state board of arbitration that has ever done any practical good to anybody except to themselves. We have had one in our State, recently abolished, which, for a good many years, performed the physical and manual labor of signing their salary vouchers and performed no other useful service. Now, if it is impossible to appoint a commission that will take sufficient interest in this matter to meet, why should we make it easy for the commission to meet? These six or seven trustees, in accordance with the views suggested by the gentleman from Illinois, would be sitting here all the time, out of touch with industrial conditions throughout the country. Such a commission would be considered to be in touch if appointed in accordance with the idea of the original act. They would be promulgating their views, and publishing them perhaps. But under the original bill and the original idea they were supposed to have absolutely nothing to do with the board except to ad-

minister the funds. Now it is proposed to make them a permanent existing quorum in the city of Washington.

Mr. COX of Indiana. Will the gentleman allow me to ask him a question for information?

Mr. HUGHES of New Jersey. Yes; certainly.

Mr. COX of Indiana. I believe the gentleman is a member of the committee which reported this bill.

Mr. HUGHES of New Jersey. I am.

Mr. COX of Indiana. In the original organic act giving life to the measure were there any duties imposed upon those who were appointed on the board of trustees?

Mr. HUGHES of New Jersey. Not according to my understanding of the terms of the original act, which I do not happen to have by me. The duties of the trustees were limited to the administration of the funds. Now, this amendment contemplates making the trustees a part of the commission and having them appoint nine other members of the commission, so that they become at once a self-perpetuating body, over whom nobody has any control—a body that may become out of touch with the industrial conditions; and if the commission was made up of men appointed who live throughout all the country, nobody will attend except the trustees. These trustees are not selected for their personality. They obtain their positions as trustees by virtue of the offices for which they are selected—as the Secretary of Commerce and Labor, the Chief Justice of the Supreme Court, and so on. They were selected not because they were particularly fit men to discharge functions of this kind, but particularly and peculiarly fitted to administer a trust fund, which was altogether the purpose of the original law.

Mr. COX of Indiana. The gentleman some few moments ago said there was very strenuous opposition to this amendment before the committee. Upon what was the opposition based?

Mr. HUGHES of New Jersey. The opposition of every representative of organized labor who has spoken to me on the subject was based on the ground that it was likely to cause the commission to be out of touch with industrial conditions. I will say, however, that they were not in favor of the original proposition as it remains if this amendment should be defeated. I will say that I simply rose to debate this amendment in order that I might have an opportunity to register my opposition to it and say to the House that some of my colleagues on the committee not here at this time also opposed this amendment at the time.

Mr. BARTHOLDT. I now yield five minutes to the gentleman from Illinois.

Mr. MANN. Mr. Speaker, I did not intend to take the floor; but the reason that the gentleman from New Jersey opposes the amendment seems to me is not a sufficient reason. The purpose of the bill is very plain to me. When the Nobel prize was awarded to the President, he donated that money to carry out the purpose of the law to which this bill is an amendment. Probably that law was not very carefully scrutinized in the House. I do not know how perfect it may have been, but it had one effect. It provided for the appointment by the trustees of nine members of the committee, scattered necessarily throughout the country. It is not easy to get these nine members here together. Of the nine members it takes five to make a quorum. I do not know what the usual practice has been, but if the usual practice was followed it would be very difficult to obtain a quorum of the committee here, unless there could be added to that committee some gentlemen living in Washington. That is easily done if half a dozen of the trustees who named the other nine members themselves constituted a part of the committee.

Mr. HARRISON. Will the gentleman allow me to ask him a question?

Mr. MANN. Certainly.

Mr. HARRISON. Does not the gentleman fear that this self-perpetuating permanent body if assembled here in Washington all the time might become so industrious as to become engaged in undesired and undesirable interference in labor disputes?

Mr. MANN. It is perfectly impossible for this commission or committee to be assembled here all the time with the amount of money they now have or with the amount of money they will be likely to have for many years.

The reason I speak about this is because I happen to be one of the Regents of the Smithsonian Institution. That Board of Regents is composed of the Chief Justice, the Vice-President, 3 Members of the House, 3 members of the Senate, 2 residents of the District of Columbia, and a number of other gentlemen scattered throughout the country. Whenever they have important matters to consider, the members throughout the country are notified and most of them attend; but very often it is impossible for some of them to be here, and it is quite often the case that a majority of the members scattered throughout the country away from Washington are unable to attend a meeting; and unless there were at the meeting members located in Washington, it would be very difficult to obtain a quorum for ordinary meetings of the board. The commission affected by this bill have no large sum of money on hand, and in my view are not likely to have any enormous sum of money.

Mr. WALDO. How much?

Mr. MANN. They have $40,000, of which they can use the interest. If they ever do obtain a large sum of money, it will be within the power of Congress to amend the law under which they act, and it seems to me it is perfectly proper to give them what they are asking for.

Mr. BARTHOLDT. Mr. Speaker, I ask for a vote.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. BARTHOLDT, a motion to reconsider the last vote was laid on the table.

The SPEAKER. The Clerk will resume the call of committees.

The Committee on the Militia was called.

MILITIA IN THE DISTRICT OF COLUMBIA.

Mr. STEENERSON. Mr. Speaker, I call up the bill (H. R. 21926) for the organization of the militia in the District of Columbia.

The SPEAKER. Is the bill on the House Calendar?

Mr. STEENERSON. The bill is on the House Calendar.

The SPEAKER. The gentleman from Minnesota calls up the following bill, which the Clerk will report.

The bill (H. R. 21926) for the organization of the militia in the District of Columbia was read.

Mr. STEENERSON. Mr. Speaker, in explanation of this bill, which you will observe is quite a long one, I will say that the Militia of the District of Columbia was organized under an act passed in 1889. As you will recall, Congress in 1903 passed the Dick law, which provides that before the militia of any State, Territory, or the District of Columbia can share in the appropriations made by the Congress for the militia, they must conform in organization, armament, and discipline to the Regular Army within five years from the date of that act. Last year we extended the time two years, so that the time within which the militia of all the States, Territories, and the District of Columbia must conform in organization to the Regular Army expires next year. This makes it necessary to rewrite many of the sections of the organic act of the Militia of the District of Columbia. The first nine sections did not require any change, but most of the subsequent sections did.

The Committee on Militia had this bill under consideration for many months, and we heard representatives of the militia and of the War Department, and gave the subject very careful consideration. Every section was considered by itself, and the act as a whole was carefully considered. The report of the Committee on Militia is unanimous.

The officers and men of the Militia of the District of Columbia are very anxious to conform in their organization to that of the Regular Army, but are unable to do so until Congress passes this or a similar act. If it be not passed within a year, they will be deprived of their quota. We know of no reason why this bill should not pass. I will not detain the House with any further statement, but will be glad to answer any questions, and will yield to the gentleman from Massachusetts [Mr. AMES], the author of the bill.

Mr. AMES. Mr. Chairman, I am glad to make any explanation that may be desired. The object of the bill is to conform to the requirements of the Dick law. In order that the militia of the several States may derive benefit from the appropriation made by Congress, it is required that prior to such participation the organization of the militia in the various States shall conform to a general plan.

This bill is to make the Militia of the District of Columbia conform to the regular-army standard set by the department. There are but two changes of moment, one in reference to the pay of militia when ordered on duty and the other in reference to courts-martial. The courts-martial sections are 50 and 50 a, b, and c and are almost self-explanatory. The bill has been most carefully gone over by the War Department, the Judge-Advocate-General; General Drain, the head of the National Guard Association of the country, and General Brett, for many years at the head of the militia in the District. There has been no criticism that I have heard from any of the officers and men in the militia of the bill providing for the promotion in the line or in the staff. I understand there has been some criticism of that part of the bill on page 2, providing as

to what shall constitute the organization of the National Guard. The criticism was to the provision—

That the President of the United States, the Commander in Chief, shall have power to alter, divide, annex, consolidate, disband, or reorganize the same whenever in his judgment the efficiency of the forces will be thereby increased.

That was put into the bill after long debate and consideration with the department to simplify the act and make it possible in time of peace for the President and Commander in Chief to reduce to a necessary and proper minimum in order that the organization might continue without a disbandment, necessary under a fixed rule of strength.

Mr. COX of Indiana. Will the gentleman state whether or not the same provision is found in the organic law of which he speaks as that on page 2 of this bill, giving the power to the President to change conditions?

Mr. AMES. It is not. When I stated that this conformed to the organic law I intended to say that it conformed as nearly as it seemed possible to make it. There are two or three minor details, and this is considered one of the maximum, that differ from the organic law.

Mr. COX of Indiana. Is this the chief difference?

Mr. AMES. Yes; this is one of the main differences.

Mr. COX of Indiana. The gentleman said a moment ago that there was some difference in the pay.

Mr. AMES. When the law was originally drawn it provided that the pay of the militiaman should be the multiple of his pay when called on extra duty.

Mr. STEENERSON. I think the gentleman is mistaken about that; the difference is in the original bill.

Mr. AMES. In the original bill it was three times, and this is twice as much.

Mr. STEENERSON. The organic act provided for the same pay as the Regular Army. In the bill introduced by the gentleman from Massachusetts the original bill provided for three times the pay. Between the time that that first draft was reported and the reporting of this substitute bill Congress had passed a bill increasing the pay of the army, so that we thought it was necessary to cut this down in order to make it harmonious, and that is the explanation that ought to be made.

Mr. KEIFER. Mr. Speaker, I am not familiar with this bill, and it is too long to understand it from the reading at the desk. But I want to make some inquiry in relation to it. What does the gentleman from Massachusetts mean by "the organic law" that he refers to?

Mr. AMES. I refer to the Dick law.

Mr. KEIFER. That is what I supposed it was.

Mr. STEENERSON. By the organic law I refer to the law of 1889. That is the organic act for the District Militia.

Mr. KEIFER. Then there is a difference among the members of the committee as to what is meant by the organic law?

Mr. AMES. That is the organic law, and this is to comply with the Dick law.

Mr. KEIFER. What difference is there allowed in the case of the militia in case the militia should be called into actual service under this and the Dick law, or is there any?

Mr. STEENERSON. The Dick law does not cover that point.

Mr. AMES. That is a detail which is not provided for in the Dick law.

Mr. KEIFER. The Dick law does provide what shall be done with the militia in a State in case they are called into actual service for any purpose—they would get the pay of officers and men in the Regular Army.

Mr. HULL of Iowa. Yes; because there is no other pay provided.

Mr. KEIFER. Precisely; because there is no other pay provided. Does this change that and fix a pay that is different from that of the Regular Army?

Mr. STEENERSON. In case of a riot it does, and so does the law of every State in the Union; it prescribes a higher pay for the men when called out in case of riot.

Mr. KEIFER. When there is danger.

Mr. STEENERSON. Well, the gentleman is aware that the ordinary pay of civilians is several times that of the pay of a soldier, and it was thought just that they should be allowed twice the pay in these cases where the militia is called out to quell riot, tumult, or breach of the peace, or in aid of the civil authorities.

Mr. KEIFER. My understanding has been that soldiers in actual service are always called where there is some danger, but here an exception is made in case of riots and they are to be paid more. Is that the understanding?

Mr. AMES. Pay them double the pay.

Mr. KEIFER. What struck me from hearing the bill read—hearing a part of it only—was that this was giving an undue preference to the Militia of the District of Columbia over the militia of the different States, and in that respect it was magnifying——

Mr. MANN. Oh, in our State we pay more than is provided for in this bill.

Mr. STEENERSON. New York pays three times as much.

Mr. KEIFER. Not in the matter of payment alone, but in the matter of preference, in giving the militia of this District an organization that will be out of proportion to the militia of the different States, taking into consideration the population and the power and influence.

Mr. STEENERSON. Oh, I think not. There is nothing in that objection. This militia is not any larger than it ought to be.

Mr. KEIFER. It seems to me that there is provided here a very considerable army, and a very considerable army of officers, sufficient to go to the field to wage a very considerable battle, altogether made up of the Militia of the District of Columbia.

Mr. STEENERSON. There is no increase over the present strength, except as to the coast artillery.

Mr. KEIFER. It is an increase in the organization, if not in numbers; but it provides for an organization of a very large force, with general officers and colonels and staff officers of very high grade, and it seems to me from hearing it read that staff officers had a rank very much out of proportion to the number of the militia that would be in the ranks.

Mr. STEENERSON. We had hearings on that subject, and the Assistant Secretary of War, General Oliver, was there, and it was asserted—and I have no doubt it is correct—that it simply corresponds in organization with the corresponding organization of the Regular Army. There are no superfluous officers provided for. They are all necessary in order to correspond.

Mr. KEIFER. I am not going to oppose the bill, but I am inclined to think that when we come to organize under this law the Militia of this District, we will have a very considerable army in the city of Washington under the head of militia and under the directions, of course, of the Secretary of War or the President of the United States, the Commander in Chief of the Army and the Navy.

Mr. STEENERSON. I will say to the gentleman that if we do get a greater strength it would be a consummation devoutly to be wished, because certainly if there is any place in the country that needs a militia it is the seat of government.

Mr. KEIFER. I thought there was always kept about the seat of government, especially over here at Fort Myer, a very considerable number of Regulars.

Mr. STEENERSON. There is no coast artillery here.

Mr. KEIFER. So that we would not be at the mercy of rioters without aid near at hand.

Mr. STEENERSON. Mr. Speaker, I reserve the balance of my time.

Mr. MANN. Mr. Speaker, I want to ask a question, as to whether it would be a benefit generally to have the militia of the different States organized along the same lines, and if so, whether it would be desirable to have the District Militia organized along the same lines as the state militia.

Mr. KEIFER. I was under the impression, Mr. Speaker, that we ought to have uniformity in the organizations of the militia in all the States, the District, and the Territories, and not have two systems of organization in case we should have to call them out generally.

If this were an organization merely for the protection of the city of Washington or the District of Columbia, and that was all, it would not make very much difference whether there was uniformity or not; but there may come a time when we would expect to call, in case of war, for volunteers, and it is supposed—and that is a theory of the Dick bill—that the first to be called would be the organized militia of the different States; and it would be somewhat unfortunate, I think, if the Militia of the District of Columbia and of the different States, and so on, stood upon a different basis as to rank, if you please. We have generals provided for under this bill.

Mr. HULL of Iowa. Only one here.

Mr. MANN. As I understand, the Dick bill was passed with the idea of having not only the States accept its provisions, but make their own statutory provisions conform with it, and that the purpose of this bill was to do that in the District of Columbia, under our control, which we expect the state legislatures to do in the States.

Mr. KEIFER. I think we probably go here a good ways beyond what the States generally will do, but I am not now speaking with great confidence, for I am not very familiar with this bill, to be candid about it.

Mr. COX of Indiana. On page 2 of the bill reported by the committee I see section 11 is struck out and another section 11 is incorporated. Now, as I understand that section 11, as found in the bill, it is a new section. Is that correct?

Mr. STEENERSON. Well, there are only a few new words in it. It is substantially the old section, with a few new words, so as to fit it to the present situation.

Mr. COX of Indiana. Then let me ask you. I find in section 11, on page 2, of the bill now pending before the House, in a proviso, the following:

Provided, That the President of the United States, the Commander in Chief, shall have power to alter, divide, annex, consolidate, disband, or reorganize the same whenever in his judgment the efficiency of the forces will be thereby increased—

And so forth.

Is that new language incorporated in this section 11, or is that language to be found in the original section 11, as found in the old organic law?

Mr. STEENERSON. I think that is new.

Mr. AMES. That is new.

Mr. COX of Indiana. If that is new, why was it incorporated in this bill?

Mr. STEENERSON. The gentleman will understand that this section first undertakes to enumerate the different organizations constituting the militia, and then it gives a blanket authority to the President to change the organizations where they are required in the future. The regular army organization might be modified next year, and instead of coming to Congress, which is a very slow body to act, as we found it in this case especially—we have been waiting for six years now to get this bill passed—they could simply go to the President of the United States or to the War Department for a modification of the organization. If there was a different designation, if a captain should be called something else or a wagoner should be called a drayman or something like that—they have certain terms in the army organization, and in order to draw the pay while the militia is in the service of the United States they must be known by the same titles—and therefore it might occur in the future that a title would change from what is described in this section 11, and the War Department could then modify this act by an executive order giving the change of title, so that it would not need another act of Congress in order to pay them under their proper designation. That is the explanation.

Mr. COX of Indiana. Well, I am seeking information. One question further. I understand the purpose of this bill is to enable the Militia in the District of Columbia to conform as near as practicable to the Dick bill. Is that correct?

Mr. STEENERSON. That is correct. In this instance the House of Representatives simply acts the same as the legislature of a State would do, like the legislature of Indiana, Ohio, or Minnesota, in conforming their local statutes to the Dick law. That is all.

Mr. COX of Indiana. I am seeking information——

Mr. STEENERSON. And I hope you are getting it.

Mr. COX of Indiana. And I desire to know whether or not there is anything in the Dick bill which empowers the President to change organizations such as you propose in this bill.

Mr. STEENERSON. Oh, no; that would not be in the Dick bill.

Mr. GAINES of Tennessee. Now will the gentleman yield?

Mr. STEENERSON. Yes.

Mr. GAINES of Tennessee. Suppose the governor of a State calls out the troops of the State to quell a riot and they are for some time in service in doing so. Does the United States, under the existing law, the Dick law—that is what I have in mind—pay these troops or does the State pay them?

Mr. STEENERSON. The State pays them.

Mr. KEIFER. That is a State matter.

Mr. GAINES of Tennessee. They do not, when called out by the governor of a State, in that case become Regulars or a part of the United States Army, but they are troops of the State and amenable to the laws of the State.

Mr. KEIFER. They stand exactly as though there had been no Dick law.

Mr. STEENERSON. I think the quick way to explain the Dick law to the gentleman would be to say that Congress appropriates so much money and makes it a condition for any state or district militia to participate in that appropriation, whether of money or uniforms or ammunition, that they conform in their organization to the organization of the Regular Army. Now, that conformity is a condition precedent to their sharing in the appropriation. All the rest of the regulation for the militia is devolved upon the States. The local law of the State, Territory, or District must prescribe an organization to conform with that of the army.

Mr. GAINES of Tennessee. And even though their organization conforms to the Dick law, and the governor calls them out to quell a riot or under other conditions, the State pays the troops.

Mr. STEENERSON. The State pays them in the instance I cited. There are cases where money comes out of the United States Government.

Mr. GAINES of Tennessee. Of course they would not pay them if called out by the President. Then who would pay them?

Mr. STEENERSON. The United States.

Mr. GAINES of Tennessee. They would be paid as regular troops?

Mr. STEENERSON. They would be paid as regular troops—the same as regular troops.

Mr. KEIFER. Called out on federal duty.

Mr. GAINES of Tennessee. I wanted to get that clear. The Dick law, as I understand it, did not affect anything at all that relates to purely state matters, and did not affect them over what they were before it was passed, so far as they were concerned.

Mr. FLOYD. Will the gentleman yield to me for a statement?

Mr. STEENERSON. Certainly.

Mr. FLOYD. In regard to section 11, which has been under discussion, I desire to explain the matter as I understand it. It states that the President—

Shall have power to alter, divide, annex, consolidate, disband, or reorganize the same whenever in his judgment the efficiency of the forces will be thereby increased.

This is limited by the following portion of the section:

So as to conform to any organization, system of drill, or instruction now or hereafter adopted for the Army of the United States or the organized militia, and for that purpose the number of officers—

And so forth—

may be increased to the extent made necessary by the new positions thus created.

The power is limited so as to make the militia organization conform to the organization of the Regular Army, and the purpose of this bill, as I understand it, is simply to make the District Militia conform in organization, armament, and discipline to the Regular Army, so that in case of war the two forces may be brought together, and, being trained in the same school of military tactics, would better harmonize. That is what I understand to be the purpose of the bill and the sole purpose of it.

It is true that under the provisions of the Dick bill, before a State or the District of Columbia can participate in the funds appropriated under that bill, it must conform to the requirements of that law, but the general purpose of the bill, of far greater importance than to get the money that is appropriated, is to put all the military forces of the United States, both of the States and in the District, and in the army, in an organization that is harmonious as to armament, discipline, and as to the organization.

Mr. KEIFER. Will the gentleman allow me?

Mr. FLOYD. Certainly.

Mr. KEIFER. Does not the language of section 11 state the principal ground upon which the President may act, and that is to make the militia more efficient?

Mr. FLOYD. I think so; but he would be limited in his power in this, that he could make no change except to make it conform to the regulations and changes that are subsequently made in the Regular Army under authority of law after the passage of this act.

Mr. KEIFER. With a view to its increased efficiency?

Mr. FLOYD. With a view to its increased efficiency. That is the way I understand the section, and I see no objection whatever to it.

Mr. HULL of Iowa. Mr. Speaker, there is no question in my mind but some bill of this character should pass—that there should be a bill passed by the Congress of the United States giving the District Militia the right of organization as now prescribed for the Regular Army. The bill, to my mind, is much better than the first bill introduced, and is, for all I know, a most excellent one as it stands. There are some things about it that I do not entirely approve, but the Committee on Militia undoubtedly have more information than I have. I see that they have changed the court-martial provision so as to remove the most objectionable feature of the bill as first reported. In that bill, as I remember now, they provided that the court-martial could take absolute jurisdiction of any wit-

ness and sentence him to jail for nonappearance in the court-martial, without having the federal court pass upon whether he was guilty of contempt or not. Now they put it the same as the Regular Army court-martial in that respect.

Mr. STEENERSON. The gentleman will recall that this was submitted to the gentleman and was at his suggestion, and is written now exactly as the gentleman from Iowa wished it to be.

Mr. HULL of Iowa. The court-martial feature is the same as provided in the Regular Army.

Mr. STEENERSON. The original bill provided that the District Militia have a court-martial just the same as the state militia, but at the suggestion of the gentleman from Iowa [Mr. HULL] we took away that power.

Mr. HULL of Iowa. I think they ought to have the power to punish, but through the courts. It is too much power for a military court to punish a civilian.

Mr. STEENERSON. It ought to be satisfactory, because we followed the suggestion of the gentleman from Iowa.

Mr. HULL of Iowa. It is satisfactory; and I think the gentleman from Minnesota cordially approved the change.

Mr. STEENERSON. The committee was very glad to have the assistance of the gentleman.

Mr. HULL of Iowa. Mr. Speaker, there are a large number of provisions here in regard to staff. They may be absolutely necessary. I have no doubt but they are or the gentleman from Minnesota would not have reported them. But you have in the District of Columbia two regiments and one battalion and provision for a small force of coast artillery.

Mr. STEENERSON. Two battalions.

Mr. HULL of Iowa. That is not nearly a brigade, and yet you have an adjutant-general's department. Remember, Mr. Speaker, that in each regiment we have a full staff, and in each battalion we have an adjutant and a quartermaster and a commissary. We have an adjutant and quartermaster for each of the battalions in addition to the regimental adjutant, quartermaster, and commissary in the regular army organization. Now, we have here a staff that seems to me exceedingly top-heavy in that particular. They have two adjutant-generals, one of the rank of lieutenant-colonel and one of the rank of major, and so on through the staff. Now, if it is required here that they shall be the same as the organization of the army, that is all right. I would like to have the committee to make section 11, page 2, of the bill, a little more comprehensive than they have it, and after the word "artillery," in line 11, insert "to be organized by the President as provided for the Regular Army by existing law or regulations."

That would give him the right to organize these staff corps as the law requires the Regular Army to be organized. You go beyond that, and provide below that he can change their organization at his pleasure. Now, Mr. Speaker, when you put that amendment in there are four or five pages of this bill that are absolutely useless. In other words, after giving the President the right to change all this organization at his pleasure, to promote the efficiency of the Regular Army, you establish by law these staff corps, that every man in this House must know is exceedingly large for the size of the force. This was based, as I understand it—and if I am not mistaken I will be glad to be corrected by my friend from Minnesota—on the law of the State of New York. The State of New York has over eight times as many troops as we have here, and therefore would necessarily need a larger staff. Now, you have as large a staff here, to care for two regiments, as they have in the largest State in the Union. When they are called into service the present law provides that these organizations of the national guard shall go into the service as organized, does it not?

Mr. KEIFER. Yes.

Mr. HULL of Iowa. Now, my friend from Minnesota will readily see that the Government of the United States would never think of giving to two regiments and one battalion a staff corps equal to that of a division, and yet you give it in this bill. Now, if you think this language, authorizing the President to organize the Militia of the District of Columbia in accordance with the law prescribing the organization of the Regular Army, I can not see what harm would be done if you do it that way. I want at the proper time to move to strike out all of the provisions for this staff corps. Then you follow that with your proposition as it is in the bill, giving the President the right to alter or change, subdivide, and do as he pleases with this organization.

Now, if we are going to fix by law a staff corps as expressed by Congress, this would do; but then you ought not to give the President the right to disband that organization whenever he desired to change it. If Congress absolutely fixes the staff corps, only Congress should change it. In other words, it may be that this organization would be carried and paid by the War Department; but as one Member of Congress, I would rather the War Department should be responsible for such an organization as that for two regiments than be responsible for it myself.

Mr. KEIFER. Before you go from that. Are there not a considerable number of staff officers provided for in the bill to which you refer that are unknown to the Regular Army?

Mr. HULL of Iowa. I think not.

Mr. KEIFER. I do not mean staff officers who relate to regiments, but to details in making up organizations. Are there not a number there——

Mr. HULL of Iowa. No; in the War Department there are adjutants-general, quartermasters-general, inspectors-general, judge-advocates-general, and all these staff officers.

Mr. KEIFER. They are detailed officers, are they not?

Mr. HULL of Iowa. They are detailed officers.

Mr. KEIFER. But this provides for separate officers.

Mr. HULL of Iowa. This provides for a permanent corps. They are not detailed.

Mr. KEIFER. No; these are not detailed at all.

Mr. HULL of Iowa. No; they are not detailed. I notice another thing here, if the gentleman will pardon me, and I say this not in any spirit of criticism, but merely from a desire to get the best we can for the militia; because I realize, as does the gentleman and every other Member of the House, that our Regular Army is small. It is only the very first line of defense of the country, and the national guard and the unorganized militia back of them, still more powerful, are the great fighting arm of this Government and always will be; but I notice on page 20 it provides that each mounted officer shall be paid a reasonable per diem compensation for horses actually furnished.

Now, the Regular Army does not get that. Every field officer is compelled to be mounted, and his pay is fixed on the basis of being a mounted officer, and he furnishes his horse. Now, if you will put in this bill an amendment, "below the grade of major," you will make it conform to the regular army organization. I am not talking about your pay for men. I think you ought to pay them more than the regular pay of the enlisted men in the army; but the pay of officers is ample for those who go out in case of riot, or for any other purpose. Every time you have an annual encampment all officers provided for in this bill are ordered out for the maneuvers. You say, "ordered out in case of riot or for any any other cause." They are ordered out for maneuvers two weeks each year. Every colonel, lieutenant-colonel, and major would receive what is called "a reasonable per diem" for his horse. Now, that would be fixed by whom? By the Secretary of War? It evidently means that Congress believes that, in addition to his pay as a major or a lieutenant-colonel or colonel or brigadier-general, he ought to have extra pay for being mounted, when his pay is fixed by the pay of officers of the same grade in the Regular Army, who have to keep their horses without any extra pay. If he is below the grade of major, the regular army pay provides that a captain shall have so much if he has 1 horse, and so much additional for 2, and nothing if the Government furnishes the horses. It seems to me this ought to correspond with that.

Mr. AMES. Will the gentleman permit an inquiry?

Mr. HULL of Iowa. Yes.

Mr. AMES. I have served with a light battery in the Massachusetts Militia, and I think I am very safe in saying that there was never an officer in the Massachusetts State Militia who did not spend a good deal more than he received, furnishing this, that, and the other thing for the benefit of his organization. So, although an officer's pay is a little larger than that of the enlisted men, it is paid out many times over in the course of a year simply for the good of the militia. He gets nothing at all out of it except love of the work and his desire to promote the efficiency of the organization.

Mr. HULL of Iowa. When the gentleman was a member of the Massachusetts Militia, did the State do all the paying, or did the Federal Government pay a part and the State a part?

Mr. AMES. The State paid all, except what the officers gave out of their own private purse.

Mr. HULL of Iowa. Very well. This is a proposition for the Federal Government to pay. Now, what does a major get?

Mr. AMES. The Federal Government is paying for the militia in the District just what it is paying in each of the States.

Mr. HULL of Iowa. What pay did the State of Massachusetts give a major when the gentleman from Massachusetts was a member of the Massachusetts Guard?

Mr. AMES. My recollection is that it was the pay when called out on duty.

Mr. HULL of Iowa. What pay? It was fixed by the State, I suppose. My State paid the officers and privates the same pay, $2 a day, some years ago. I do not know what now.

Mr. AMES. They paid in proportion.

Mr. HULL of Iowa. You would have to get at that to know the justice of it. Here the officers are given the pay of the Regular Army. A major gets $3,000 and a colonel gets $5,000 a year. Now, he gets his pay while there and his pay is graded as a mounted officer, because he is a mounted officer when he becomes a field officer. There is no extra pay for a field officer in the army because the law requires him to be mounted.

Mr. KEIFER. The captain on mounted service gets a different pay.

Mr. HULL of Iowa. Yes; but last session we provided that where a captain was required to be mounted and did not furnish his own horse he got no extra pay. Where he furnishes a horse he gets the pay of $150 a year for 1 horse and for 2 horses he gets $200 a year.

Mr. AMES. I can explain a little further, perhaps, to the gentleman. When we went out as a light battery to Framingham we had to hire horses for a week or ten days. We went to the livery stables and got bids. The horses we had to take were horses poor in character, and we became more or less responsible, for we had to guarantee that they would be brought back in as good condition as when taken, and we had to pay an enormous price for that, so much so that the pay allowed by the State would not begin to pay for the horses. If a mounted officer is called out he is not going to take a horse that he has been boarding all the year round, but he has to go to some livery stable and get a good horse and pay a very large price for him, sufficient to cover accidents, etc.

Mr. MANN. And that would be a reasonable amount?

Mr. AMES. Yes; a reasonable amount.

Mr. HULL of Iowa. No matter what it is, you have to pay anything that the commanding officer certifies as to the amount. Now, going back to page 11, it seems to me that the commanding officer is given too much power in section 23b.

That whenever, in the opinion of the commanding general of the Militia of the District of Columbia, an officer of the said militia has become incapacitated for the performance of duty for any reason, the commanding general shall submit the name of such officer to the Secretary of War, with a view to his being ordered before a board of examination, to be appointed by the said commanding general, which board shall examine said officer as to his physical, mental, and military qualifications.

Now, why not make the board appointed by the Secretary of War? The commanding general may have a prejudice against any officer of his command, and he prefers the charges and appoints the board to try him, and can turn out every member of the board under the same machinery if they do not do what he wishes them to. I am not criticising the commanding general. I think he is able and efficient, but he may not live forever; they may get another. But no matter who the man is I would not give him the privilege of preferring charges against a man and then authorize him to appoint the court to try the officer, holding the power to discharge those whom he does not want and who do not do what he orders them to do, whether right or wrong. It ought to be changed so as to give some man, either the Secretary of War or the President, the power to appoint the board that tries the officer. Let the commanding general make the charges, for he is the proper one to do it.

Mr. STEENERSON. I am willing to accept that suggestion.

Mr. KEIFER. The President can do it in the Regular Army.

Mr. HULL of Iowa. Oh, yes; he does. I think that ought to be guarded. Now, I do not care to antagonize this committee. I am a member of the Committee on Militia and proud of it, although I do not work much at it. I will say that when the Secretary of War and the chairman of the committee and myself were discussing that they thought this amendment would be all right. But the committee decided that they would not accept it. I feel like testing the opinion of the House, and at the proper time I shall move, on page 2, after the words "field artillery," to insert "to be organized by the President, as provided for the Regular Army by the present law or regulations." Mr. Speaker, I reserve the balance of my time.

Mr. STEENERSON. Mr. Speaker, as to the first objection of the gentleman from Iowa, it is true that the original bill was reported. It struck me to be a very easy way out of the matter—that is, to strike out all of that page and simply give the authority of the President to prescribe the organization. The gentleman from Iowa [Mr. HULL] is correct in stating that I at first thought I would favor that when the Assistant Secretary of War and myself went and called upon the gentleman in his committee room; but upon consideration, when the full committee was in attendance, with the exception of the gentleman from Iowa, who was too busy with his Committee on Military Affairs to attend, we came to the conclusion that it was a mistake to act upon that suggestion, and for this reason—and I think the House and the gentleman from Iowa, if he will give me his attention, will see it:

The act of 1889 prescribes the organization for the District Militia. That is a statute; it is an act of Congress. To change that act of Congress requires another act of Congress. That is the object of the present proposed act of Congress. In this act we can propose that for the future the President may change the organization prescribed. We can authorize the President of the United States to change the organization herein prescribed by a future order, an executive order; but it would hardly be competent for us in this act to authorize him by executive order to repeal the act of 1889. This bill with that part stricken out which the gentleman proposes to strike out will leave the old sections of the act of 1889 regarding organization unrepealed. Furthermore, the logical and correct way is to prescribe by act of Congress what the organization of the District Militia shall be, and then to give this authority to the President, for the future, to change it where change may become necessary, in order to make it conform to the changing conditions and organizations of the Regular Army. We in effect would authorize a repeal by executive order.

Mr. HULL of Iowa. Mr. Speaker, right on that point, the gentleman says that we can not let the President change the present organization. We have got to fix a specific organization in order to allow him to have the power to change. Now, you have a specific organization here. You provide in this bill that the National Guard shall consist of certain officers and men, certain organizations. I want to ask the gentleman this question: If we put right in this law this language—

To be organized by the President as now provided for the Regular Army by law or regulation.

Are we not repealing everything that now stands as to the organization; and when the President acts, is it not as lawful to change the old organization as the provision below there which says that the President of the United States shall have power to alter, divide, consolidate, disband, and reorganize? Is it not the same power to now make the organization as prescribed by law for the Regular Army—is it not giving him absolute power just as you gave him power below to change all that we now enact?

Mr. STEENERSON. This matter was considered by the committee, and we have some eminent lawyers on that committee. I am very sorry that we did not have the benefit of the opinion of the gentleman from Iowa, but we did not agree with the gentleman from Iowa.

Mr. HULL of Iowa. This is all good natured with all of us. I am not antagonizing, but I want to ask the gentleman now if you can give power, from section 12 down, to the President to change every organization in the bill, can not you give him power, when we enumerate what we have given to him—the organization now provided by law? Then, if there is any variation in the organization we are not responsible for it.

Mr. STEENERSON. As a prelude to that, I would ask the gentleman if he conceives a difference between authorizing the President to do a thing for the future and authorizing the President to repeal an act of Congress?

Mr. HULL of Iowa. We repeal the act by this language. He does not repeal the act of Congress; we do it. He is acting under authority of law. Let me make it a little clearer. The law now requires all military militia organizations to comply with the organization of the Regular Army.

The President is Commander in Chief of the Army and Navy, and he is Commander in Chief of the District Militia. If we authorize him to organize the District Militia, he can not do it without this language, because the law fixes it. He has to have power to change that in order to do it. By adopting this language, do we not give him power to organize it as now prescribed by the Regular Army, so as to comply with the Dick bill, and when that is done you have no use for 5 or 6 pages of this bill.

Mr. STEENERSON. What is the objection to doing what we ought to do? We ought to prescribe by act of Congress what the organized militia shall consist of, and it seems to me that the only object which can be attained by the gentleman's suggestion is to save a few sections or a few words.

Mr. HULL of Iowa. We would save about 4 or 5 pages here that this House is not at all familiar with and which it does not know whether it complies with the Regular Army or not. But there is one thing certain. If we adopt this, it is the law, and Congress is responsible.

Mr. STEENERSON. I will say to the gentleman from Iowa that we tried very hard to get him to be present at the committee meeting.

Mr. HULL of Iowa. That is very true, and it was purely my fault.

Mr. STEENERSON. Not only that, but we sent for him and notified him, and the chairman of the committee took it upon himself to go to the gentleman with the Assistant Secretary of War and with the adjutant-general of the District of Columbia and explain this matter to him, and he expressed himself as satisfied, as I recall it, though he thought it was more convenient to have a short bill than a long bill; but the gentleman from Iowa did not suggest then that there was anything wrong about these provisions.

Mr. HULL of Iowa. No; the gentleman from Iowa simply suggested this—that here was a large staff that looked to him like it was too large. The gentleman from Iowa is not going to criticise, but the gentleman from Iowa and the Members of the House are not certain that a division of the national guard as small as is the District of Columbia Militia should have such a staff as this. The gentleman from Iowa is perfectly willing to leave that to the War Department, under the law regulating the organization of the Regular Army. If the Regular Army will then require it, let them do it.

Mr. STEENERSON. The gentleman from Iowa will understand and admit that the Assistant Secretary of War expressly stated that this was exactly the same organization he would wish if he were allowed blanket authority to do so. You recollect that.

Mr. HULL of Iowa. Oh, certainly.

Mr. STEENERSON. Now, what is the objection——

Mr. HULL of Iowa. My point is, I would rather for them to do it than Congress.

Mr. STEENERSON. I would rather Congress would stand up like a man and pass its own bills.

Mr. HULL of Iowa. If I had my way I would not make the staff so large for such a small organization.

Mr. AMES. There are several considerations to be considered in a measure of this sort, and one was that such a bill would be a model for the States to follow in conforming to the Dick law. Now, with your proposed amendment you say several of these pages would become unnecessary, did you not?

Mr. HULL of Iowa. I did, and I would propose, if this is adopted, to strike them out.

Mr. AMES. The committee decided, regretting your forced absence, that we wanted to frame a bill such as would serve as a model for other States in conforming their militia legislation to the Dick bill, and so these several pages became specifications of what should be done. Put in your amendment to strike this out, and it ceases to be a model for other States.

Mr. HULL of Iowa. Let me ask the gentleman a question. Is not this simply following the New York law?

Mr. AMES. I do not understand so.

Mr. HULL of Iowa. My understanding from the chairman of the committee and others is that it is.

Mr. AMES. The committee was informed this was following the desires and recommendations of the War Department, and not New York State.

Mr. HULL of Iowa. My understanding is that you form a model on a model by readopting a model.

Mr. STEENERSON. I will say to the gentleman from Iowa that we had before the Committee on Militia not only the laws of New York, but 15 or 20 different statutes. We had a collection of statutes, including even the statutes of Iowa, Minnesota, Massachusetts, and New York, and this matter was gone over very carefully, and, as I understood, the gentleman from Iowa was perfectly satisfied with the provision.

Mr. HULL of Iowa. I have never been satisfied to reenact into positive law such a staff organization and I have expressed myself this way. If we strike out the other and give the President absolute power—of course he acts through the War Department, and their decision then would conform to the laws of the Regular Army—I would be satisfied with their organization.

Mr. STEENERSON. The gentleman from Iowa admits, then, if we strike this out then and leave to the War Department the authority to prescribe what the organization shall be that they would immediately issue an order prescribing exactly the same organization and same staff corps as are provided for here.

Mr. HULL of Iowa. If the law requires it, I suppose they would. But it seems to me, in all fairness, I will say to my friend from Minnesota, that the staff organization provided for in this bill is so exceedingly top-heavy that the War Department would hesitate a long time before they would become responsible for issuing the order.

Mr. STEENERSON. I beg to differ with the gentleman. It is not top-heavy, and General Oliver stated in the gentleman's presence he would issue an order prescribing exactly the same organization and same staff. The objection was suggested to him by the gentleman from Iowa, and he answered it was not top-heavy, that it was only in conformity with the organization of the Regular Army, and he would issue an order prescribing exactly the same thing.

Mr. HULL of Iowa. Then I will ask the gentleman, who is very familiar with military matters, if he does not regard an organization top-heavy with an adjutant-general, an assistant adjutant-general, in addition to an adjutant-general of the regiment and three battalion adjutants of the regiment; that is ten adjutants for two regiments. Now, is not that a little top-heavy?

Mr. STEENERSON. I will answer the gentleman from Iowa that the gentleman from Minnesota does not pretend to be an expert on military affairs; but he does realize this, that "a little learning is a dangerous thing," and there are some people on the floor of this House that know so much about military matters that nobody can understand them.

Mr. HULL of Iowa. I have no doubt of that. It is the hardest work in the world for a fellow to understand himself. Remember that each regiment has a quartermaster and 3 battalion quartermasters. You have 4 quartermasters to a regiment. And then you have a quartermaster's department, which will consist of 1 quartermaster with the rank of major, and 1 quartermaster with the rank of captain, and 2 post quartermaster-sergeants. You have a quartermaster-sergeant in every company in the regiment.

Mr. STEENERSON. Would it not be necessary if you wanted to have a larger militia in the District of Columbia?

Mr. HULL of Iowa. If you had enough to form a full brigade, then I would concede that your model might be all right. Suppose we have war to-morrow. That is what this militia is for—to form the first line of defense. All of these staff officers would be taken into action, and the organized Guard of the District of Columbia would be compelled to go with some other State in order to form a brigade, and then you would have a double force of staff officers all through.

Mr. STEENERSON. I think the gentleman is entirely mistaken when he says the staff officers would be taken out in the field in case they are called out by the United States Government.

Mr. HULL of Iowa. The law requires that they shall be taken in case of war.

Mr. STEENERSON. You have your own staff corps when you organize your army.

Mr. HULL of Iowa. A volunteer army, yes. There is another bill for that purpose that is entirely independent of the national guard measures.

Mr. STEENERSON. You would not use this staff corps at all?

Mr. HULL of Iowa. You go into camp here with the ten-day maneuvers and you have got all of these different staff officers in the field, and also in case of riot. They are of no value to the officers of the army. It does not amount to very much, but it is a top-heavy organization, and I would prefer, as I said before, for the War Department to be responsible for it than for Congress to solemnly enact it into law.

Mr. STEENERSON. I would like the House to understand the gentleman's position. He prefers to have the War Department prescribe what the organization shall be instead of having it done by act of Congress. That is, we ought to shirk our duty in legislating for the militia.

Mr. HULL of Iowa. The gentleman is entirely mistaken in that. What I propose here is to give the President the power to organize this guard under the provision's regulation. They have the same force as law, as the gentleman knows. I would give him absolute power to conform to this, but you propose to enact into law the entire staff corps on the theory that it is required by law. Now, if that is true, if your contention is correct that this absolutely conforms to the organization of the Regular Army, no harm can be done by my amendment. If you should happen to be mistaken in that the War Department and the President are limited by the law requiring an organization on the regular army basis, when they come to make the organization they have got to lop off some of these things.

Mr. STEENERSON. Does the gentleman know that the State of Iowa has a similar provision, first prescribing what the organization of the militia shall be, and then giving the blanket authority to the governor?

Mr. HULL of Iowa. Yes; and the gentleman from Iowa further knows that we have a full brigade in Iowa, so we are entitled to a brigade organization.

Mr. STEENERSON. Massachusetts has the same thing. It seems to me that here we ought to have a skeleton big enough so that we can fill it up. This does not cost anything. We

ought to have the machinery. The State of New York, the State of Ohio, and every other State having a law governing the militia has a similar provision. This is only a technicality, and it seems to me rather too critical an objection.

Mr. HULL of Iowa. Not critical at all. I am liberal.

Mr. STEENERSON. We certainly tried to satisfy the gentleman, but it seems to be impossible. I will say that I can not believe the suggestion is a wise one. I think it would hurt the bill very much to accept the suggestion.

The SPEAKER pro tempore. The Clerk will read the bill by section.

The Clerk read as follows:

Be it enacted, etc., That the following amendments are hereby made to an act of Congress entitled "An act to provide for the organization of the Militia of the District of Columbia, and for other purposes," approved March 1, 1889:

Strike out the whole of section 10 and insert in lieu thereof the following:

"SEC. 10. That the organized militia shall be composed of volunteers, and shall be designated the National Guard of the District of Columbia."

Strike out the whole of section 11 and insert in lieu thereof the following:

"SEC. 11. That the national guard shall consist of one brigadier-general, an adjutant-general's department, an inspector-general's department, a judge-advocate-general's department, a quartermaster's department, a subsistence department, a medical department and hospital corps, a pay department, a corps of engineers, an ordnance department, a signal corps, a coast artillery corps, 2 regiments and 1 separate battalion of infantry, 4 companies of coast artillery, a troop of cavalry, and 1 battery of field artillery: *Provided*, That the President of the United States, the Commander in Chief, shall have power to alter, divide, annex, consolidate, disband, or reorganize the same whenever in his judgment the efficiency of the forces will be thereby increased, and he shall at any time have power to change the organization of departments, staff corps, regiments, battalions, companies, troop, and battery so as to conform to any organization, system of drill, or instruction now or hereafter adopted for the Army of the United States or the organized militia, and for that purpose the number of officers and non-commissioned officers of any grade in departments, staff corps, regiments, battalions, companies, troop, and battery may be increased to the extent made necessary by the new positions thus created."

Mr. HULL of Iowa. I do not desire to debate the bill any further, but I move to amend by inserting after the word "artillery," in line 11, page 2, the words "to be organized by the President as now provided for the Regular Army by law or regulation."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 11, after the word "artillery," insert "to be organized by the President as now provided for the Regular Army by law or regulation."

Mr. AMES. Mr. Speaker, I hope this amendment will not prevail. The Committee on Militia is a full-grown committee. Its members are conscientious. It attends to its duties. It regrets that the chairman of the Committee on Military Affairs can not be present at its deliberations. It did its best to get his cooperation and assistance, and in its judgment and in the judgment of the War Department, and of the head of the National Association of Militia, and of Colonel Brett, who for a long time was in command of the militia, a regular army officer, it was believed that this was the proper form for the bill. In addition to that it made it a model for other States to follow in the alteration of their militia laws, so that they might conform to the requirements of the War Department. This bill represents the wisdom of the department and the wisdom of the committee. I think perhaps there may have been a slight feeling among the members, in their refusal to go against their first judgment to meet the suggestion of the gentleman from Iowa, a feeling of proper pride in their own capacity to do what was right and what seemed best, all things considered, when the gentleman from Iowa, a member of the committee, could not appear and be with them in their deliberations. I think if he had, and if he had gone into the matter as carefully as we did, he would have felt the justice of the position of the committee and would not have raised this opposition.

Mr. FLOYD. I am opposed to the amendment suggested by the gentleman from Iowa, and I desire to state my reasons for my objections.

The Committee on Militia have carefully considered this bill, and we have made it conform to the regulations of the Regular Army as nearly as may be. Now, the proposition of the gentleman from Iowa, as I understand it, is to eliminate these sections and give this power to the Secretary of War. I think that would be a dangerous proceeding. It would totally change the purposes of this section.

This section gives the President of the United States the authority to make certain changes in order to make the militia organizations conform to those of the Regular Army, but Congress must first define and determine what these organizations shall be in the Regular Army. Then we delegate to the highest officer in the country the authority to change these militia organizations to the extent of making them conform to those of the Regular Army and no further; but it seems to me that the amendment offered by the gentleman from Iowa gives the whole power to the Secretary of War in regard to these organizations, and takes away from Congress the power to fix these regulations. I am opposed to the amendment.

Mr. KEIFER. Mr. Speaker, I was not disposed to further interpose in this discussion. My impression was, on hearing the bill read, that it was top-heavy—that it had too much staff and too little militia at the bottom. A gentleman—Mr. Shallenbarger, who served with the greatest distinction in this House many years ago—told me of an incident that took place between himself and President Lincoln the night before he was shot, and it has some application here. Mr. Shallenbarger went to see President Lincoln about an appointment in the army. The war was about over. He went late at night and found the President sitting in his library, with his legs wrapped around each other, twisted in his not unusual way, with a toe under his ankle, as was usual, and he seemed to be very morose. Mr. Shallenbarger said he felt ashamed to intrude on him at that hour, and told him he would be glad to be excused. The President said to him: "Tell what you came for." Mr. Shallenbarger said: "Mr. President, I came to ask you to appoint a man in the staff of the army." Thereupon the President unwound himself, changed to a cheerful mood, arose, and said: "Your suggestion reminds me of a story." And he proceeded in his mimical way to relate it. It may have been his last story.

"There was a lady came upon the Sangamon River in Illinois at an early day that had the reputation of being able to make a white shirt with a collar and a bosom to it. An Irishman, who was about to get married, applied to her to make him a white shirt. She made it and starched it." I am abridging the story. "She took it to him and he put it on wrong end up. He then went back with it and said to her he wanted a shirt not all collar." Mr. Lincoln then said, "Now, Mr. Shallenbarger, you want all staff and no army." We have got a great deal of staff here in this District of Columbia militia bill; a great deal of collar, and very little shirt. And that is my objection to this bill. It would be partly corrected, largely perhaps, if the amendment of the gentleman from Iowa [Mr. HULL] were adopted. It happens under the modern system of camping and drilling for instruction that the Regular Army is often called out with the militia; and it is a wise mode of instruction, for the militia especially. Now, if we have any such establishment as this bill provides for, staff officers of such high rank, with large numbers of adjutants-general, inspectors-general, quartermasters, and so on, we will find that there will be a conflict, and that the staff of this militia will outrank the staff of the Regular Army in these annual drills. I have said enough to show that I am in favor of the amendment offered by the gentleman from Iowa.

Mr. STEENERSON. Mr. Chairman, I hope this amendment will not prevail. It not only does not improve the bill, but injures it. The bill as drawn provides for the organization of a staff that is no more than is necessary, corresponding with the army organization. If there should be any more, under this authority to abridge and discontinue organizations the President or Secretary of War can discontinue any office that may be thought to be more than necessary. But there is not any such. And it is admitted by the propounder of this amendment that the Secretary of War stated, and it is an undisputed fact, if the authority was left blank instead of prescribed, as it is in this bill, that he would issue an order creating these staff corps exactly as they are here.

Mr. SLAYDEN. I will ask the gentleman if it is not a fact, if the amendment offered by the gentleman from Iowa shall prevail, that then the organization of the District Militia will absolutely and exactly conform to the organization of the Regular Army?

Mr. STEENERSON. It will; and whether we accept it or not will not affect that.

Mr. SLAYDEN. If that is all you want, and it is absolutely certain under the amendment, why stickle for the language in the bill?

Mr. AMES. It not only does that, but does some other things.

Mr. STEENERSON. I do not think it leaves the matter clear. The gentleman from Iowa's amendment does not leave any discretion whatever in the President of the United States. It gives him the power to organize the District Militia as prescribed by law for the Regular Army organization. It is not

a dangerous power, because with it you give the President of the United States the right to change every one of the provisions of this bill if he desired to.

Mr. SLAYDEN. In the two clauses at the end of the paragraph?

Mr. STEENERSON. Why, certainly.

Mr. HULL of Iowa. My amendment simply makes it certain that the organization of the District Militia shall conform to the organization of the Regular Army, and your proposition makes it so that if it is the action of the Congress the President will say Congress declared that they desired it that way, and he will act accordingly. [Cries of "Vote!"]

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. STEENERSON. Division!

The House divided; and there were—ayes 27, noes 16.

So the amendment was agreed to.

Mr. HULL of Iowa. Now, Mr. Speaker, I move to strike out all of pages 3, 4, 5, 6, 7, 8, and down to the end of line 10 on page 9.

Mr. KEIFER. That will be in conformity with the amendment.

Mr. HULL of Iowa. Absolutely, and allow the entire organization to be made in accordance with that of the Regular Army.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read, as follows:

Strike out all of pages 3, 4, 5, 6, 7, 8, down to the end of line 10 on page 9.

Mr. MANN. These provisions which the gentleman from Iowa proposes to strike out now provide in detail for the officers of the militia?

Mr. HULL of Iowa. Yes.

Mr. MANN. And the gentleman's amendment would leave it so that the officers will be in accordance with those provided for in the Regular Army?

Mr. HULL of Iowa. Yes; both the regimental, battalion, and staff corps. In these provisions the organization of all the branches was provided for.

Mr. MANN. And this amendment will make it conform purely to the law organizing the Regular Army?

Mr. HULL of Iowa. Yes. These provisions were only a rehash of what is in the law with reference to the Regular Army, as far as the regimental, battalion, and staff organization was concerned.

Mr. STEENERSON. I would like to ask the gentleman from Iowa in what situation it will leave the organic act?

Mr. HULL of Iowa. You have repealed all of the organic act by my amendment.

Mr. STEENERSON. I think, in view of the adoption of the amendment, that this would necessarily follow.

Mr. HULL of Iowa. We have repealed the organic act prescribing the organization by the amendment which has just been adopted, placing it in the hands of the President.

Mr. STEENERSON. I think this ought to be stricken out.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 23 b. That whenever, in the opinion of the commanding general of the militia of the District of Columbia, an officer of the said militia has become incapacitated for the performance of duty for any reason, the commanding general shall submit the name of such officer to the Secretary of War, with a view to his being ordered before a board of examination, to be appointed by the said commanding general, which board shall examine said officer as to his physical, mental, and military qualifications.

Mr. HULL of Iowa. Mr. Speaker, I move to strike out the words "said commanding general," in line 16 of section 23 b, and insert the words "Secretary of War."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

On page 11, line 16, strike out the words "the commanding general" and insert the words "Secretary of War."

Mr. AMES. Mr. Speaker, I would like to ask the gentleman from Iowa, chairman of the Committee on Military Affairs, if he is not a little bit inconsistent? By the force of his argument we have stricken out several pages on the plea that it was top-heavy, and now he is topping a little militia organization in the District of Columbia with the Secretary of War instead of the commanding general.

Mr. HULL of Iowa. Is the gentleman from Massachusetts through with his question?

Mr. AMES. Yes.

Mr. HULL of Iowa. I would say, Mr. Speaker, that that question seems not to have been well considered before it was asked. The other matter was with reference to the organization. The object of the bill is to make the Regular Army and the District of Columbia National Guard conform exactly. Here is a proposition by which the commanding general prefers charges against the officers or men of his command, and under the provisions of the law drawn by the gentleman from Massachusetts and reported by the committee the same commanding general appoints the judges to try the men, and I say it is placing altogether too much power in the hands of the commanding general.

Mr. AMES. Can not the Secretary of War do the same thing?

Mr. HULL of Iowa. No; the Secretary of War has none of the prejudices that come from intimate association such as the commanding general might have. I have no doubt that the commanding general would give a fair trial, but he might not; his prejudices might be so great that he might do the accused an injustice. The Secretary of War being above and beyond the associations with these officers, he can appoint a board and give them a fair trial.

Mr. AMES. I have no objection to the amendment; I am simply pointing out that the Secretary of War might do just what the gentleman says the commanding general would do.

Mr. HULL of Iowa. No; that is inconceivable; he has not the same associations.

The question was taken, and the amendment was agreed to.

The Clerk, proceeding with the reading of the bill, read as follows:

Following section 49 insert the following additional section:

"SEC. 49 a. That whenever the National Guard of the District of Columbia shall be ordered to duty in case of riot, tumult, breach of the peace, or whenever called in aid of the civil authorities, all enlisted men who do duty shall be paid at the rate equivalent to two times the pay of enlisted men of the Regular Army of like grade. Commissioned officers who do duty shall be entitled to and shall receive the same pay and allowances as commissioned officers of like grade of the Regular Army. Each mounted officer and enlisted man shall be paid a reasonable per diem compensation for each horse actually furnished and used by him: *Provided*, That when the National Guard of the District of Columbia is called into the actual service of the United States the officers and enlisted men shall, during their time of service, be entitled to the same pay and allowances as are or may be provided by law for the Regular Army."

Mr. HULL of Iowa. Mr. Speaker, on line 1, page 20, I move to insert, after the word "officer," the words "below the grade of major," so that it will conform to that of the Regular Army.

The Clerk read as follows:

On page 20, line 1, after the word "officer," insert the words "below the grade of major."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 54 b. That no action or proceeding shall be prosecuted or maintained against a member of a military court, or officer or person acting under its authority or reviewing its proceedings, on account of the approval or imposition or execution of any sentence, or the imposition or collection of fine or penalty, or the execution of any warrant, writ, execution, process, or mandate of a military court.

SEC. 54 c. That the jurisdiction of the courts and boards established by this act shall be presumed, and the burden of proof shall rest on any person asking to oust such courts or boards of jurisdiction in any action or proceedings.

Mr. DE ARMOND. Mr. Speaker, I wish to move to strike out sections 54 b and 54 c. I will, however, make my amendment in separate form.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 21, strike out section 54 b.

Mr. DE ARMOND. Mr. Speaker, there may be a good reason for that provision, and if there is I would be glad to hear what it is. It seems to entirely exempt from all sort of remedial procedure anybody and everybody connected with one of these courts-martial, whether it is proceeding regularly or in good faith or the reverse. Some member of the committee doubtless can explain the purpose and scope of it, and I would be glad for one to hear from him.

Mr. STEENERSON. I yield to the gentleman from Massachusetts [Mr. AMES].

Mr. AMES. Mr. Speaker, this was suggested by General Davis, of the War Department. This has all been gone over most carefully by the department. All actions by courts-martial, summary courts, and others are reviewed by the commanding general or Secretary of War, the President of the United States, if you please, and this is to prevent, on the face of it, action against a man performing what he considers to be his duty as a member of a court. It is simply preserving the integrity of a court. That is all it is for and all it is meant for.

Mr. DE ARMOND. It seems to me it goes too far. There is no such exemption to those who act in the civil courts. There might be such a thing as an entirely unwarranted proceeding.

Mr. STEENERSON. I would say that I believe similar provisions are in all of the state laws, including the State of Missouri.

Mr. DE ARMOND. That may be, but that is not a very strong presumptive suggestion. I do not know whether it is true or not.

Mr. HULL of Iowa. Mr. Speaker, I think my friend from Missouri will readily admit that it is rather an unusual thing to give permission to sue a court. If the court-martial unjustly sentences a man, it does not deprive the convicted party of his rights under the law to immediately appeal and be relieved of any punishment, but if you can harrass the court all the time, men would hesitate to sit on a court-martial, I should imagine.

Mr. DE ARMOND. I understand that, but it seems to me this is too broad. This might be a case, exceptional, if you please, where the prosecution would be malicious, or where there would be inflicted upon the person prosecuted, in the course of the prosecution, hardships and wrongs for which there would be no warrant. It might be a case where there was a finding or an execution of a finding or an attempt at execution of a finding, which would amount to great and malicious oppression and wrong, and yet the language is broad enough to entirely protect the willful wrongdoers from any prosecution or suit for damages.

Of course I understand that one dealing with causes in a judicial capacity or an administrative capacity in the military courts or in the civil courts is ordinarily, and ought to be, protected from any prosecuton, civil or criminal; but it seems to me that this section ought in itself to negative and ought to leave as an exception oppressive conduct, unwarranted conduct, conduct that clearly is not within the scope of duty or law. Under this provision I take it that in the grossest kind of a case, in a case of the grossest abuse or the grossest assumption of power, there would be no redress whatever. That surely is not the intention. By modifying this a little all abuse might be entirely avoided and obviated. What I suggest is that the provision is too broad. The language not only covers the numerous cases which it ought to cover, but it is broad enough to cover cases which it ought not to cover.

Mr. STEENERSON. The gentleman from Missouri certainly will agree with me that we could not take away any right that a man might have where the court acts beyond its jurisdiction.

Mr. DE ARMOND. I do not know about that. We ought not to assume to do it.

Mr. STEENERSON. We are simply protecting the members of the court.

Mr. DE ARMOND. We ought not to assume to do it. The question of whether we can do it or not is a question that would arise if there were an abuse. We ought not to assume or attempt to do it.

Mr. STEENERSON. We have a right, and we ought to protect the members of the court from harassing suits.

Mr. DE ARMOND. That is true.

Mr. STEENERSON. And it will never be construed to mean to take away a man's constitutional right to remedy if he has been wronged by a trespasser who acted beyond the authority of the court.

Mr. DE ARMOND. The language is just as broad as it can be:

> No action or proceeding shall be prosecuted or maintained against a member of a military court, or officer or person acting under its authority or reviewing its proceedings on account of the approval or imposition or execution of any sentence, or the imposition or collection of fine or penalty, or the execution of any warrant, writ, execution, process, or mandate of a military court.

Mr. STEENERSON. Is not that right?

Mr. DE ARMOND. It is too broad.

Mr. STEENERSON. It can not be any less broad and serve the purpose. Has the gentleman looked into this matter especially?

Mr. DE ARMOND. No.

Mr. STEENERSON. Well, it is the only way you can protect the members of the court.

Mr. DE ARMOND. My colleague [Mr. ALEXANDER] suggests that an improvement be made by inserting the phrase "in the absence of malice or oppression." That certainly would improve it very much, I think, and yet it would answer every proper purpose.

Mr. STEENERSON. I do not see that the insertion of the word "malice" would make any difference.

Mr. DE ARMOND. It would make a lot of difference.

Mr. STEENERSON. Suppose a court-martial might sentence a man to be shot. You would not want the men who did the shooting—who were ordered to do it as a matter of duty—to be indicted and prosecuted for that, because they would be entirely following orders.

Mr. DE ARMOND. Of course not.

Mr. STEENERSON. This provision is not a new provision to this bill. It is an old provision that is inserted in all laws regarding court-martial statutes for the militia. I do not believe that the suggested amendment would improve it. I think it would distort it very much.

Mr. DE ARMOND. Well, I think not; but I do not care to take more time, and I will just let the motion stand to strike out 54 b.

The SPEAKER pro tempore. The question is upon agreeing to the amendment of the gentleman from Missouri.

The question was taken, and the amendment was rejected.

Mr. DE ARMOND. Mr. Speaker, I move to strike out section 54 c.

The SPEAKER pro tempore. The gentleman from Missouri moves an amendment, which the Clerk will report.

The Clerk read as follows:

Strike out section 54 c, page 21.

Mr. DE ARMOND. Mr. Speaker, it will be observed that that section follows and supplements the preceding section, 54 b, which the committee voted not to strike out. Section 54 c provides—

> That the jurisdiction of the courts and boards established by this act shall be presumed, and the burden of proof shall rest on any person asking to oust such courts or boards of jurisdiction in any action of proceedings.

Now, I admit I have not studied this subject and am not very intimately acquainted with it, so the reasons for this do not exactly occur to me, and I will be glad for some member of the committee to state them.

Mr. STEENERSON. I will say that this is not a new provision to this bill. It is contained in every act governing the militia of the different States, and I think it is reasonable that the courts be presumed to be legal and not the reverse, and it seems to me it is a proper protection around a court-martial.

Mr. DE ARMOND. It is a pretty good protection for the court, possibly, but it is not so good for the persons brought before the court.

Mr. STEENERSON. Oh, yes. Of course we could not make it conclusive presumption; it can be overcome by evidence.

Mr. DE ARMOND. I understand.

Mr. STEENERSON. It is the same presumption that prevails in fact in any civil court. They are presumed to be legal and to have jurisdiction, and if you allege want of jurisdiction you must show it, and it is the same thing here.

Mr. DE ARMOND. Mr. Speaker, it will be seen that this provision is, as this entire law is in fact, for the District of Columbia Militia. Now, then, in time of peace, or in any time, in any proceeding in which any board or commission may take cognizance of a case, if this provision stands, it is to be presumed that there is jurisdiction.

Now, I can understand how in time of war, in the army and in the army organization, where arbitrary means might seem to be necessary, there might be such a provision as that incorporated and possibly be valuable, but for an ordinary regulation for the militia in time of peace to presume when a militia organization, a court, or board assumes to take jurisdiction of a matter that it has jurisdiction, so that every one over whom it attempts to exercise this jurisdiction has placed upon him the burden of showing that it has not jurisdiction, that seems to me to be going a long way. Now, whether this be found in other enactments or not is not conclusive of the question whether it should be here. It is all well enough to provide for the militia; it is all well enough to have these courts-martial and boards, but it is going a little far, it seems to me, when they can be called into existence so easily, when they may be called into existence when there is no occasion for them, owing to some pique or some little disturbance incident to the organization, to conclude or to go a long way toward concluding the question of jurisdiction by presuming it.

The question of jurisdiction is one that ought to be open and one which very fairly could be well left, it seems to me, to be disposed of when it arises. The question being raised with this provision in, the board or court-martial says: "We have jurisdiction; that is presumable. If you question our jurisdiction, convince us, if you can, that we haven't it."

It seems to me this is an unnecessary thing. It does not add to the efficiency of the militia, and it tends to lessen the rights of the individual militiaman, who is a citizen, who is not in the army except in a tentative way, who is in civil life, who is in the course of preparation for the duties of army life, if there be occasion for it. Whatever is given to the board, whatever is given to the court-martial, is that much taken from him, the citizen, and it seems to me that there is no necessity for taking so much from him.

If it meets any particular cases, which I suppose we could easily imagine and which might readily arise, it might prove to be burdensome upon the citizen and of no benefit to the organization. If this bill be passed or be not passed, the efficiency of the militia will certainly not be lessened by the elimination of this provision. On that theory I move to strike it out.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Missouri [Mr. DE ARMOND].

Mr. STEENERSON. I hope the amendment will be voted down. It is simply giving this court the presumption that is given to all other courts, and this change is not asked for, as I understand it, by members of the militia. The members of the militia and officers have expressed themselves satisfied with the provision as it stands.

Mr. MACON. I dislike to disagree with the gentleman from Missouri [Mr. DE ARMOND] on a legal proposition. I know his judgment is always good, but he, like other men, can sometimes get an idea in connection with a thing that does not agree with the ideas of others. In this particular instance he has advanced a proposition that does not accord with my idea of the correct thing to do in connection with this matter.

I do not understand why this court should be deprived of its jurisdictional presumption when it is allowed to all other courts. The jurisdiction of civil and criminal courts are presumed, and when attack is made upon any matter pending before them on jurisdictional grounds the burden necessarily rests upon the attacking party to show that the court has not the jurisdiction that it assumes. And so it would be here. When the military court undertook to act and an objection was raised to its jurisdictional right to proceed, all that would have to be done would be to show, just as it would have to be shown in other courts, that it did not have proper jurisdiction of the matter before it. But until that was done it looks like the presumption ought to remain that the court is proceeding within its jurisdictional right.

Mr. DE ARMOND. Mr. Speaker, just one word more. The question here really is whether there is to be any presumption indulged. Now, as suggested by the gentleman from Arkansas [Mr. MACON], the question of jurisdiction may be raised in any court. The further question is, What happens when it is raised? Do you presume that it exists, or do you not indulge any presumption about it? I am taking the position that as to a matter of this kind there ought not to be any presumption indulged, neither a presumption that jurisdiction does not exist or does exist.

I think the line in regard to presumptions as applied to courts is about this: That as to courts of general jurisdiction, when that kind of a court takes cognizance of any proceeding, the presumption in favor of its jurisdiction lies because its jurisdiction is general, and the presumption is that that particular case and the particular persons with whom it would deal in that case fall within the lines of that general jurisdiction. But as to an inferior court, no presumption of jurisdiction ever lies in favor of it. The question being raised, it has to be determined without any presumption, or if there be any presumption involved, it is against jurisdiction, because the court has only a limited and special jurisdiction, and, therefore, so far as presumptions go, it is presumed not to have jurisdiction of the particular case or the particular person. Now, if that philosophy be applied here, there ought to be no presumption in favor of this kind of an inferior court having jurisdiction. Here is a militia court, and not only a militia court, but a militia board. And the question arising as to whether it has jurisdiction of a particular person or of a particular matter, the proposition is to provide by law that jurisdiction shall be presumed. I think, applying the principles that we apply ordinarily in our courts, that this presumption ought not to be indulged here, and certainly it ought not to be enforced by an enactment such as this would propose. It is an inferior tribunal if it is a militia court-martial. It is still more inferior if it is a militia board—some anomalous, indefinite sort of thing, inferior to a court-martial. Now, then, whether it has jurisdiction or not is a question that ought to be determined, subject to review, if that question arises. I do not ask a presumption against its jurisdiction. The question of jurisdiction can take care of itself. I think the provision is not in harmony with the general principles governing such matters, and that in some instances it might be dangerous, provided it be valid. If it be not valid, it ought not to be put into the law; and if it be valid and objectionable, for that reason it ought not to be put into the law.

The SPEAKER pro tempore. The question is on the amendment.

The question was taken, and the Speaker pro tempore announced that the noes seemed to have it.

Mr. DE ARMOND. Mr. Speaker, I would like to have a division on that.

The House divided; and there were—ayes 19, noes 27.

So the amendment was lost.

The Clerk read as follows:

Following section 63 insert the following additional sections:

"SEC. 64. That a reserve corps of the National Guard of the District of Columbia is hereby organized, to consist of honorably discharged officers and men of the Army, the Navy, and the Marine Corps of the United States, honorably discharged officers and men of the organized militia of any State or Territory who are residents of the District of Columbia, and honorably discharged members of the National Guard of the District of Columbia whose military training and physical condition shall conform to the standard determined by regulations to be promulgated by the President of the United States: *Provided*, That the term of enlistment in the reserve and the military duties and obligations required of reservists shall be determined by regulations to be promulgated by the President of the United States: *Provided further*, That when called out for military duty reservists shall receive the same pay and allowances as officers and men of like grade on the active list of the National Guard of the District of Columbia.

Mr. DE ARMOND. Mr. Speaker, this word "reservists." I know not what that means, and I move to strike it out, and insert whatever the committee may suggest.

Mr. AMES. Members of the national guard leaving the service are reservists. They are on the reserve corps.

Mr. STEENERSON. It is the proper term.

Mr. AMES. I do not know of a better term.

Mr. DE ARMOND. I withdraw my amendment. The gentlemen seem to be entirely satisfied with the term, and I would not desire to interfere with them.

The Clerk resumed and concluded the reading of the bill.

The bill was ordered to be engrossed for third reading, and being engrossed, it was accordingly read the third time and passed.

On motion of Mr. STEENERSON, a motion to reconsider the vote by which the bill was passed was laid on the table.

MESSAGES FROM THE PRESIDENT OF THE UNITED STATES.

Sundry messages, in writing, from the President of the United States were communicated to the House of Representatives by Mr. Latta, one of his secretaries.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following joint resolution and bills:

H. J. Res. 208. Joint resolution providing for expenses of the House Office Building;

H. R. 17707. An act to authorize William H. Standish to construct a dam across James River, in Stone County, Mo., and divert a portion of its waters through a tunnel into the said river again to create electric power; and

H. R. 22879. An act to amend an act entitled "An act to authorize the city of St. Louis, a corporation organized under the laws of the State of Missouri, to construct a bridge across the Mississippi River," approved January 23, 1908.

HARRIMAN V. THE INTERSTATE COMMERCE COMMISSION.

The Speaker pro tempore laid before the House the following message from the President of the United States (S. Doc. No. 634), which was read, referred to the Committee on Interstate and Foreign Commerce, and ordered to be printed:

To the Senate and House of Representatives:

The recent decision of the Supreme Court of the United States in Harriman *v.* The Interstate Commerce Commission seems to render advisable further legislation in the way of amendments to the existing law which will confer upon the Interstate Commerce Commission, so far as the Congress has constitutional power to do so, the authority claimed for it in the case recently decided against it by the Supreme Court. Mr. Justice Day, in delivering the dissenting opinion, concurred in by Mr. Justice Harlan and Mr. Justice McKenna, says in part:

"The function of investigation which Congress has conferred upon the Interstate Commerce Commission is one of great importance, and, while of course it can only be exercised within the constitutional limitations which protect the individual from unreasonable searches and seizures and unconstitutional invasions of liberty, the act should not be construed so narrowly as to defeat its purposes."

Apparently the language of the act is such that there is danger lest the last-mentioned result will unavoidably ensue upon the authoritative construction placed thereon by the Supreme Court, and it is therefore obvious that the Congress should amend the act and change the language so as explicitly to empower the commission to require by subpœna the attendance and testimony of witnesses and the production of all books and papers relating to any matter under investigation, and this by virtue of the powers conferred upon the said commission by any section of the law under which it is acting, or of any act amendatory thereof, so as to aid it in ascertaining facts upon which it can recommend any additional legislation in reference to the regulation of commerce that it may conceive to be within the power of the Congress to enact.

I further recommend that the commission be explicitly empowered by order to postpone the application of any increase of rates by any

railroad pending examination by the said commission into said increase to see whether or not it is justified. The regulation of the railroads should be put as completely as possible in the hands of the commission, for it can only be rendered effective by being put completely under the control of some branch of the National Executive, the action of this branch to take effect immediately.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *January 6, 1909.*

PANAMA RAILROAD COMPANY.

The SPEAKER pro tempore also laid before the House the following message from the President (S. Doc. No. 632), which was read and, with the accompanying document, referred to the Committee on Interstate and Foreign Commerce and ordered to be printed:.

To the Senate and House of Representatives:

I transmit herewith for the consideration of the Congress, the Fifty-ninth Annual Report of the Board of Directors of the Panama Railroad Company for the fiscal year ended June 30, 1908.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *January 5, 1909.*

SALARIES IN THE EXECUTIVE DEPARTMENTS.

The SPEAKER pro tempore also laid before the House the following message from the President (S. Doc. No. 638), which was read and, with the accompanying document, referred to the Committee on Appropriations and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith for the consideration of the Congress a revised statement, prepared by the Committee on Grades and Salaries under the executive order of June 11, 1907, for the reclassification and readjustment of salaries in the executive departments, and estimates of appropriations based thereon.

The reclassification of employees should be authorized now, even if the additional appropriation suggested can not now be made. The existing classification does not meet the needs of the service. The basis of the reclassification is character of work rather than amount of salary; it would avoid the need of special positions and result in much higher efficiency.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *January 6, 1909.*

ADJOURNMENT.

Mr. MANN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock and 18 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a statement of travel by officers and employees of his department for the year ended June 30, 1908 (H. Doc. No. 1284)—to the Committee on Expenditures in the Treasury Department and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of War submitting an estimate of appropriation for the Marion Branch of the Soldiers' Home (H. Doc. No. 1285)—to the Committee on Appropriations and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a list of books and papers of no further use in his department (H. Doc. No. 1286)—to the Select Committee on Disposition of Useless Executive Papers and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Sophronia A. Woods, administratrix of estate of Isaac Johnson, against The United States (H. Doc. No. 1287)—to the Committee on War Claims and ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. DIXON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 25391) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors, reported the same with amendment, accompanied by a report (No. 1820), which said bill and report were referred to the Private Calendar.

Mr. DRAPER, from the Committee on Pensions, to which was referred the bill of the House (H. R. 25409) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors, reported the same with amendment, accompanied by a report (No. 1822), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 19373) granting an increase of pension to James Bond—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 24812) granting a pension to Hugh Morgan—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 24991) granting a pension to Louis Miller—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 24994) granting pay to heirs of Tyre Kelly—Committee on Invalid Pensions discharged, and referred to the Committee on War Claims.

A bill (H. R. 25133) granting a pension to Clarence S. Johnson—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 24133) granting an increase of pension to Eleanor A. McCardell—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 25192) for the relief of Oliva J. Baker, widow of Julian G. Baker, late quartermaster, United States Navy—Committee on Invalid Pensions discharged, and referred to the Committee on Claims.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. GARDNER of Michigan, from the Committee on Appropriations: A bill (H. R. 25392) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1910, and for other purposes—to the Union Calendar.

By Mr. STURGISS: A bill (H. R. 25393) to establish a fish-cultural station in Tucker County, in the State of West Virginia—to the Committee on the Merchant Marine and Fisheries.

By Mr. JENKINS: A bill (H. R. 25394) amending chapter 591 of the United States Statutes at Large, Fifty-sixth Congress, approved May 26, 1900, entitled "An act to provide for the holding of a term of the circuit and district courts of the United States at Superior, Wis."—to the Committee on the Judiciary.

By Mr. SHERMAN: A bill (H. R. 25395) granting and ceding to the State of Colorado certain lands heretofore included in the Fort Lewis Military Reservation—to the Committee on Indian Affairs.

By Mr. NEEDHAM: A bill (H. R. 25396) for the relief of applicants for mineral surveys—to the Committee on Mines and Mining.

By Mr. HAWLEY: A bill (H. R. 25397) appropriating money to operate and maintain the dredge on the coasts of Oregon and Washington—to the Committee on Rivers and Harbors.

By Mr. HUGHES of New Jersey: A bill (H. R. 25398) to establish a fish-cultural station in the State of New Jersey—to the Committee on the Merchant Marine and Fisheries.

By Mr. SMITH of Michigan: A bill (H. R. 25399) for the extension of Franklin street NE. from its present eastern terminus east of Twenty-fourth street to the Bladensburg road—to the Committee on the District of Columbia.

By Mr. KAHN: A bill (H. R. 25400) to change the name of the Washington Hospital for Foundlings—to the Committee on the District of Columbia.

By Mr. STEPHENS of Texas: A bill (H. R. 25401) authorizing the Secretary of the Interior to complete the final rolls of the Choctaw and Chickasaw tribes of Indians in Oklahoma—to the Committee on Indian Affairs.

By Mr. HUBBARD of Iowa: A bill (H. R. 25402) providing for the erection of a federal building at Le Mars, Iowa—to the Committee on Public Buildings and Grounds.

By Mr. CLARK of Florida: A bill (H. R. 25403) to provide for the purchase of sites and for the construction of post-office buildings in certain towns in the United States, and to provide for the issuance and sale of interest-bearing certificates for the creation of a fund for the purchase of such sites and the construction of such buildings—to the Committee on Public Buildings and Grounds.

By Mr. TAYLOR of Alabama: A bill (H. R. 25404) to authorize the construction and operation of a ship canal or channel along the western shore of Mobile Bay—to the Committee on Rivers and Harbors.

By Mr. GAINES of Tennessee: A bill (H. R. 25405) to change and fix the time for holding the circuit and district courts of the United States for the eastern and middle districts of Tennessee—to the Committee on the Judiciary.

By Mr. JONES of Washington (for Mr. CUSHMAN): A bill (H. R. 25406) authorizing the settlement or adjustment of legal disputes concerning tide lands adjacent to the harbor of the city of Tacoma—to the Committee on Indian Affairs.

By Mr. VOLSTEAD: A bill (H. R. 25407) transferring the Indian school at Morris, Minn., to the State of Minnesota for an agricultural school—to the Committee on Indian Affairs.

By Mr. SABATH: A bill (H. R. 25408) to provide compensation for injuries to employees while solely engaged in interstate and foreign commerce, the handling, dispatching, or sorting of the mail or postal matter on cars or vessels, to which the regulative power of Congress extends under the Constitution of the United States, and to create a commission of injury awards, and granting powers and an appropriation to said commission—to the Committee on the Judiciary.

By Mr. MORSE: A bill (H. R. 25410) to prevent the destruction of forests by fire from locomotive engines—to the Committee on Interstate and Foreign Commerce.

By Mr. LORIMER: A bill (H. R. 25411) to provide for obtaining lands and other property necessary for the construction, repair, and preservation of certain public works in the interests of commerce and navigation at Sault Ste. Marie, Mich.—to the Committee on Rivers and Harbors.

By Mr. SLEMP: A bill (H. R. 25412) for the incorporation of a company for the benefit of its members—to the Committee on the District of Columbia.

By Mr. ANDREWS: Resolution (H. Res. 471) providing for compensation for a clerk in the office of disbursing clerk—to the Committee on Accounts.

By Mr. LASSITER: Resolution (H. Res. 472) directing the Secretary of War to furnish the House with certain information concerning Cuba—to the Committee on Foreign Affairs.

By Mr. GARDNER of Massachusetts: Resolution (H. Res. 473) providing for amendment of the rules of the House—to the Committee on Rules.

By Mr. CASSEL: Resolution (H. Res. 474) providing for the payment of a stenographer to the Clerk of the House—to the Committee on Accounts.

By Mr. HAWLEY: Joint resolution (H. J. Res. 221) providing for the operation of the dredge to increase channel widths and depths in the inner harbor of Coos Bay, Oregon—to the Committee on Rivers and Harbors.

By Mr. LANGLEY: Joint resolution (H. J. Res. 222) authorizing the Secretary of War to present a sword to Capt. George M. Jackson—to the Committee on Military Affairs.

By Mr. SMITH of California: Joint resolution (H. J. Res. 223) to allow the city and county of San Francisco to exchange lands for reservoir sites in Lake Eleanor and Hetch Hetchy valleys in Yosemite National Park, and for other purposes—to the Committee on the Public Lands.

By Mr. BURKE: Joint resolution (H. J. Res. 224) proposing an amendment to the Constitution of the United States relating to the election of President and Vice-President—to the Committee on Election of President, Vice-President, etc.

By Mr. LOWDEN: Joint resolution (H. J. Res. 225) authorizing the selection of a site and the erection of a pedestal for the Alexander Hamilton memorial in Washington, D. C.—to the Committee on the Library.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. DIXON, from the Committee on Invalid Pensions: A bill (H. R. 25391) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors—to the Private Calendar.

By Mr. DRAPER, from the Committee on Pensions: A bill (H. R. 25409) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the civil war and to widows and dependent relatives of such soldiers and sailors—to the Private Calendar.

By Mr. ADAIR: A bill (H. R. 25413) granting a pension to William W. Layton—to the Committee on Invalid Pensions.

By Mr. ALEXANDER of Missouri: A bill (H. R. 25414) granting an increase of pension to Jacob E. Westfall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25415) granting an increase of pension to Solomon F. Brown—to the Committee on Invalid Pensions.

By Mr. BANNON: A bill (H. R. 25416) granting an increase of pension to Jane Pool—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25417) granting an increase of pension to George W. Schachleiter—to the Committee on Invalid Pensions.

By Mr. BARNHART: A bill (H. R. 25418) granting an increase of pension to Stephen S. Mann—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25419) granting an increase of pension to Edwin Shelmadine—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25420) granting an increase of pension to Thomas B. Evans—to the Committee on Invalid Pensions.

By Mr. BARTLETT of Georgia: A bill (H. R. 25421) granting an increase of pension to Pierce J. Reynolds—to the Committee on Pensions.

By Mr. BOYD: A bill (H. R. 25422) granting an increase of pension to William C. Webber—to the Committee on Invalid Pensions.

By Mr. BROWNLOW: A bill (H. R. 25423) granting an increase of pension to Henry Hale—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25424) granting an increase of pension to William J. Smalling—to the Committee on Invalid Pensions.

By Mr. BURLEIGH: A bill (H. R. 25425) granting an increase of pension to Ruel Merrill—to the Committee on Invalid Pensions.

By Mr. BURTON of Delaware: A bill (H. R. 25426) for the relief of the heirs of the late John W. Massey—to the Committee on Claims.

Also, a bill (H. R. 25427) for the relief of Christian Christensen—to the Committee on Claims.

By Mr. CALDER: A bill (H. R. 25428) to pay Herman A. Delius for services rendered in and about the burial of certain 17 soldiers who died at Camp Wykoff, Long Island, New York, in August and September, 1898—to the Committee on Claims.

By Mr. CANNON: A bill (H. R. 25429) granting an increase of pension to Joel W. Babb—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25430) granting an increase of pension to John Barber—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25431) granting an increase of pension to Austin Henderson—to the Committee on Invalid Pensions.

By Mr. CHANEY: A bill (H. R. 25432) to authorize the honorable discharge of Theodore F. Colgrove, late lieutenant-colonel of the One hundred and forty-seventh Regiment Indiana Infantry—to the Committee on Military Affairs.

By Mr. COLE: A bill (H. R. 25433) granting an increase of pension to Marion P. Downey—to the Committee on Invalid Pensions.

Also a bill (H. R. 25434) granting an increase of pension to William F. Galbreath—to the Committee on Invalid Pensions.

By Mr. COOPER of Pennsylvania: A bill (H. R. 25435) granting an increase of pension to Hiram Pile—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25436) granting an increase of pension to Elijah L. Shipley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25437) granting an increase of pension to Henry T. Blair—to the Committee on Invalid Pensions.

By Mr. COX of Indiana: A bill (H. R. 25438) granting an increase of pension to Addison N. Thomas—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25439) granting an increase of pension to Michael Fetter—to the Committee on Invalid Pensions.

By Mr. CURRIER: A bill (H. R. 25440) granting an increase of pension to Charles A. Gilman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25441) granting an increase of pension to Elbridge G. Arlin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25442) granting an increase of pension to Warren C. Heath—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25443) granting a pension to Henry B. Thomas—to the Committee on Invalid Pensions.

By Mr. CUSHMAN: A bill (H. R. 25444) granting an increase of pension to George H. Beck—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25445) granting an increase of pension to Nathan W. Fitz Gerald—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25446) granting an increase of pension to George H. Church—to the Committee on Pensions.

By Mr. DE ARMOND: A bill (H. R. 25447) granting an increase of pension to George W. Wolfe—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25448) to carry into effect the findings of the Court of Claims in the matter of Elijah B. Hammontree, administrator of the estate of John Hammontree, deceased—to the Committee on War Claims.

By Mr. DWIGHT: A bill (H. R. 25449) granting an increase of pension to Thomas B. Smeaton—to the Committee on Invalid Pensions.

By Mr. FOELKER: A bill (H. R. 25450) granting an increase of pension to Samuel B. Marshall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25451) granting an increase of pension to Matthew Connell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25452) granting an increase of pension to Sarah L. Cole—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25453) to pay certain claims of G. W. Howland—to the Committee on War Claims.

By Mr. FULLER: A bill (H. R. 25454) granting an increase of pension to John F. Lakins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25455) granting an increase of pension to James Carrington—to the Committee on Invalid Pensions.

By Mr. GAINES of Tennesse: A bill (H. R. 25456) for the relief of the heirs of Hiram Wilhite, deceased—to the Committee on War Claims.

By Mr. GARRETT: A bill (H. R. 25457) granting an increase of pension to Henry Mooneyham—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25458) granting an increase of pension to Michael Shoffner—to the Committee on Invalid Pensions.

By Mr. HAMLIN: A bill (H. R. 25459) granting a pension to Louis Legune—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25460) granting an increase of pension to William E. Lawrence—to the Committee on Invalid Pensions.

By Mr. HOWELL of New Jersey: A bill (H. R. 25461) granting a pension to Mary Robinson—to the Committee on Pensions.

Also, a bill (H. R. 25462) granting an increase of pension to Charles P. Worthley—to the Committee on Invalid Pensions.

By Mr. HULL of Tennessee: A bill (H. R. 25463) granting a pension to Mary Gentry—to the Committee on Pensions.

Also, a bill (H. R. 25464) granting an increase of pension to Milford Clemons—to the Committee on Invalid Pensions.

By Mr. HUMPHREYS of Mississippi: A bill (H. R. 25465) granting a pension to Bedy Wheeler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25466) granting a pension to Robert L. Ford—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25467) granting an increase of pension to Sarah A. Stephenson—to the Committee on Invalid Pensions.

By Mr. OLLIE M. JAMES: A bill (H. R. 25468) granting an increase of pension to Mat Smith—to the Committee on Invalid Pensions.

By Mr. JONES of Washington: A bill (H. R. 25469) granting a pension to William S. Davidson—to the Committee on Pensions.

Also, a bill (H. R. 25470) granting an increase of pension to Charles Bishop—to the Committee on Pensions.

By Mr. KÜSTERMANN: A bill (H. R. 25471) granting an increase of pension to Nehemiah S. Chase—to the Committee on Invalid Pensions.

By Mr. LAMB: A bill (H. R. 25472) for the relief of the estate of Horace L. Kent, deceased—to the Committee on War Claims.

By Mr. LANGLEY: A bill (H. R. 25473) granting a pension to Nace Thompson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25474) granting a pension to John A. Combs—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25475) granting a pension to Louie E. Downard—to the Committee on Pensions.

Also, a bill (H. R. 25476) granting a pension to Lemuel Jones—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25477) granting a pension to Simpson Martin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25478) granting a pension to Sylvester B. Miller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25479) granting a pension to Caroline Kidd—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25480) granting a pension to Winston Conley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25481) granting a pension to Cornelius Meek—to the Committee on Pensions.

Also, a bill (H. R. 25482) granting a pension to John Hamilton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25483) granting a pension to Georgia A. Brooks—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25484) granting an increase of pension to James Haddix—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25485) granting an increase of pension to B. F. Dorsey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25486) granting an increase of pension to Dale Treadway—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25487) granting an increase of pension to James H. Clark—to the Committee on Invalid Pensions.

By Mr. LONGWORTH: A bill (H. R. 25488) granting a pension to Catherine Konnermann—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25489) granting an increase of pension to Eli W. Bennett—to the Committee on Invalid Pensions.

By Mr. LOVERING: A bill (H. R. 25490) granting a pension to George F. Willard—to the Committee on Pensions.

By Mr. McKINLEY of Illinois: A bill (H. R. 25491) granting a pension to John Webb—to the Committee on Pensions.

By Mr. McLAUGHLIN of Michigan: A bill (H. R. 25492) granting a pension to Hannah M. Smith—to the Committee on Invalid Pensions.

By Mr. MADISON: A bill (H. R. 25493) to restore John F. Lewis to the United States Army with the rank of captain of infantry and place him upon the retired list—to the Committee on Military Affairs.

Also, a bill (H. R. 25494) granting an increase of pension to George W. Reed—to the Committee on Invalid Pensions.

By Mr. SCOTT: A bill (H. R. 25495) granting an increase of pension to Jesse D. Bond—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25496) granting an increase of pension to John H. Riley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25497) granting an increase of pension to Richard Hill—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25498) granting a pension to Margaret Dickson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25499) granting an increase of pension to George W. Cox—to the Committee on Invalid Pensions.

By Mr. SHERWOOD: A bill (H. R. 25500) granting an increase of pension to Florence J. O'Sullivan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25501) granting an increase of pension to William T. Clark—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25502) granting a pension to Mary Neal—to the Committee on Invalid Pensions.

By Mr. SMITH of Arizona: A bill (H. R. 25503) granting an increase of pension to Reubin Allred—to the Committee on Pensions.

By Mr. SMITH of Missouri: A bill (H. R. 25504) granting a pension to Alexander J. Souden—to the Committee on Pensions.

By Mr. SPERRY: A bill (H. R. 25505) for the relief of the heirs of Jenkins & Havens—to the Committee on War Claims.

By Mr. STAFFORD: A bill (H. R. 25506) granting an increase of pension to Christian Reuter—to the Committee on Invalid Pensions.

By Mr. STEENERSON: A bill (H. R. 25507) granting an increase of pension to George M. Evans—to the Committee on Invalid Pensions.

By Mr. STURGISS: A bill (H. R. 25508) granting an increase of pension to Thomas J. Meeks—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25509) granting an increase of pension to Charles Henry McLane—to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 25510) granting an increase of pension to Thomas Brannan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25511) granting an increase of pension to Ransom Quimby—to the Committee on Invalid Pensions.

By Mr. WALDO: A bill (H. R. 25512) to pay certain claims of citizens of foreign countries against the United States and to satisfy certain conventional obligations of the United States—to the Committee on Claims.

By Mr. WILSON of Pennsylvania: A bill (H. R. 25513) granting an increase of pension to George W. Buckbee—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25514) granting an increase of pension to John H. W. Lawrance—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25515) granting an increase of pension to Matthias Johnson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25516) granting an increase of pension to Peter B. Smith—to the Commitee on Invalid Pensions.

Also, a bill (H. R. 25517) granting an increase of pension to Harry T. Peet—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25518) granting an increase of pension to John Abott—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25519) granting an increase of pension to David Rorabaugh—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25520) granting an increase of pension to John Hall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25521) granting an increase of pension to Peter Dayton, alias William Ross—to the Committee on Invalid Pensions.

By Mr. BARTHOLDT: A bill (H. R. 25522) granting an increase of pension to Evelyn F. Banzhaf—to the Committee on Invalid Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 25523) granting an increase of pension to Allen C. Rose—to the Committee on Invalid Pensions.

By Mr. DIXON: A bill (H. R. 25524) granting an increase of pension to William Vincent—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25525) granting an increase of pension to Charles O'Donnell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25526) granting an increase of pension to Walter S. Twaddle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25527) granting an increase of pension to David M. Roseberry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25528) granting an increase of pension to Benjamin M. Hutchins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25529) granting an increase of pension to Michael Emig—to the Committee on Pensions.

Also, a bill (H. R. 25530) granting an increase of pension to John Plummer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25531) granting an increase of pension to John A. Allfie—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25532) granting an increase of pension to Newton W. Botts—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25533) granting an increase of pension to Stephen Kennedy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25534) granting an increase of pension to Henry C. Sutton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25535) granting an increase of pension to Michael Bindhammer—to the Committee on Invalid Pensions.

By Mr. FOSS: A bill (H. R. 25536) granting a pension to Charles Wilson—to the Committee on Invalid Pensions.

By Mr. LANING: A bill (H. R. 25537) granting an increase of pension to S. A. Williams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25538) granting an increase of pension to Clarence L. Church—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25539) granting an increase of pension to Samuel Johnson—to the Committee on Invalid Pensions.

By Mr. TAYLOR of Ohio: A bill (H. R. 25540) granting an increase of pension to Richard Wait—to the Committee on Invalid Pensions.

By Mr. TOU VELLE: A bill (H. R. 25541) granting an increase of pension to Alexander Johnson—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAIR: Papers to accompany bills for the relief of John W. Crismond (H. R. 21540), John Rittenhouse (H. R. 24493), Joshua B. Ward (H. R. 21541), Jonas Siegrist (H. R. 22910), T. M. Smith (H. R. 23983), Robert L. Kirkwood (H. R. 25173), Henry Eller (H. R. 25172), Mathias House (H. R. 25170), and Wilson A. Martin (H. R. 25171)—to the Committee on Invalid Pensions.

Also, petition of W. H. Cappack and others, against passage of Senate bill 3940—to the Committee on the District of Columbia.

By Mr. BANNON: Paper to accompany bill for relief of John Dufour—to the Committee on Invalid Pensions.

By Mr. BENNET of New York: Petition of David Kahn and others, favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. BINGHAM: Petition of ex-letter carriers of Philadelphia, Pa., asking that all letter carriers be paid for extra time over eight hours—to the Committee on Claims.

By Mr. BURKE: Paper to accompany bill for relief of James Bond (previously referred to the Committee on Invalid Pensions)—to the Committee on Pensions.

Also, petition of S. E. McCreary and Baur Brothers Company, of Pittsburg, Pa., favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

Also, petition of A. E. Yoell, for enactment of a more effective exclusion law against Asiatics—to the Committee on Foreign Affairs.

Also, petition of Standard Underground Cable Company, for H. R. 12890 (increased efficiency of the Signal Corps of the Army)—to the Committee on Military Affairs.

Also, petition of William H. Mercur, Edward A. Weisser, and Robert E. Davison, for legislation creating a national department of public health—to the Committee on Interstate and Foreign Commerce.

Also, petition of National Grange, Patrons of Husbandry, for highway improvement (H. R. 15837)—to the Committee on Agriculture.

Also, petition of Pittsburgh Idaho Company, favoring retention of duty on lead and lead ore—to the Committee on Ways and Means.

By Mr. CAPRON: Paper to accompany bill for relief of John J. Coughlin (previously referred to the Committee on Invalid Pensions)—to the Committee on Pensions.

By Mr. CHANEY: Paper to accompany bill for relief of Lieut. Col. Theodore F. Colgrove—to the Committee on Military Affairs.

By Mr. COLE: Petition of citizens of Ohio, for a parcels-post law and postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. COOPER of Pennsylvania: Petition of citizens of Pennsylvania, against passage of Senate bill 3940—to the Committee on the District of Columbia.

Also, petition of Jefferson Grange, No. 1330, favoring a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. COUDREY: Paper to accompany bill for relief of John H. Drosselmeier (previously referred to the Committee on Invalid Pensions)—to the Committee on Military Affairs.

Also, paper to accompany bill for relief of George W. Murray (previously referred to the Committee on Invalid Pensions)—to the Committee on Claims.

By Mr. CURRIER: Petition of Excelsior Grange, of Marlow, N. H., and John T. Smith, favoring the parcels-post system—to the Committee on the Post-Office and Post-Roads.

Also, petition of New Hampshire Baptist convention, for legislation diminishing Sunday work of railway employees as much as practicable—to the Committee on Interstate and Foreign Commerce.

Also, petition of Robert P. Skinner, George Blakely, and others, for the creation of a national highways commission (S. 15837)—to the Committee on Agriculture.

By Mr. DWIGHT: Petition of Anna E. Rhodes and others, for a parcels-post and postal savings bank law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Helena Stevens and others, of Freeville, N. Y., favoring Davis bill (H. R. 18204), for national cooperation in technical education—to the Committee on Agriculture.

By Mr. ENGLEBRIGHT: Petition of San Francisco Bar Association and Los Angeles Chamber of Commerce, favoring increase of salaries of circuit and district judges—to the Committee on the Judiciary.

Also, petition of M. A. Camp and others, against S. 3940 (Sunday observance in the District of Columbia)—to the Committee on the District of Columbia.

Also, petition of San Francisco clearing house, favoring reference of postal savings banks subject to the Currency Committee—to the Committee on the Post-Office and Post-Roads.

By Mr. FOCHT: Paper to accompany bill for relief of James Kirkwood—to the Committee on Invalid Pensions.

By Mr. FULLER: Papers to accompany bills for relief of Henry C. Peterman and James Carrington—to the Committee on Invalid Pensions.

Also, petition of Cheyenne Branch of Railway Postal Clerks, against H. R. 21261 (retirement plan for superannuated employees)—to the Committee on the Post-Office and Post-Roads.

Also, paper to accompany bill for relief of John F. Lakins—to the Committee on Invalid Pensions.

By Mr. GAINES of Tennessee: Papers to accompany bills for relief of heirs of Samuel Brockman, heirs of Hiram Wilhite, estate of William Denike, and estate of George W. Hutchison—to the Committee on War Claims.

By Mr. GARRETT: Papers to accompany bills for relief of Michael Shoffuer and Henry Mooneyhan—to the Committee on Invalid Pensions.

By Mr. GORDON: Papers to accompany bills for relief of Bank of West Tennessee and Thomas Hunt—to the Committee on War Claims.

By Mr. GOULDEN: Petition of Charles H. Knauff, Andrew Peterson, and John Schannhoeffel, favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

Also, memorial of town mass meeting at Gettysburg, Pa., favoring H. R. 22339, providing for a Lincoln memorial highway—to the Committee on Appropriations.

Also, petition of Frank H. May, C. E. Lewis, F. H. Kruse, T. E. Stonehouse, Charles R. Heron, and others, of New York City, favoring legislation to secure fair consideration of railway measures, to discourage purely antirailroad legislation, and to favor such an adjustment of transportation rates as will be adequately remunerative to the railroads and assure maintenance of the wage scale—to the Committee on Interstate and Foreign Commerce.

Also, petition of memorial committee of the Grand Army of the Republic of New York City, favoring H. R. 220, preventing desecration of United States flag—to the Committee on the Judiciary.

By Mr. GRAHAM: Petition of Lawyers' Club of Philadelphia, favoring increase of judges' salaries—to the Committee on the Judiciary.

Also, petition of L. W. Miller, of Pittsburg, favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

Also, petition of physicians of Tarentum, Pa., favoring creation of a national department of public health—to the Committee on Interstate and Foreign Commerce.

Also, petition of National Grange, Patrons of Husbandry, praying for the creation of a national highways commission (H. R. 15837)—to the Committee on Agriculture.

By Mr. HAMLIN: Papers to accompany bills for relief of Eli T. Forrester and Kiziah Phligly—to the Committee on Invalid Pensions.

By Mr. HAYES: Petition of Sacramento Valley Development Association, favoring improvement of navy-yard at Mare Island—to the Committee on Naval Affairs.

Also, petitions of W. A. Linville and 40 other citizens of Kernersville, N. C.; August Welch and 75 other citizens of San Francisco, Cal.; W. H. Martin and 41 other citizens of Gold Hill, N. C.; R. L. Glover and 25 other citizens of Hurlock, Md.; William B. Gerken and 47 other citizens of Brooklyn, N. Y.; A. J. Hertzberger and 48 other citizens of Evansville, Ind.; J. A. Rettew and 18 other citizens of Wilmington, Del.; J. Sheehy and 108 other citizens of San Francisco, Cal.; H. N. Allen and 163 other citizens of San Jose, Cal.; Lester Follett and 96 other citizens of Richmond, Ind.; Charles A. Cessua and 120 other citizens of San Francisco, Cal.; Frederick T. Rasmusor and 125 other citizens of San Francisco, Cal.; John P. Brewer and 48 other citizens of Williamsport, Cal.; James P. White and 153 other citizens of San Francisco, Cal.; and William Thomas and 190 other citizens of San Jose, Cal., favoring an effective exclusion law against all Asiatics excepting merchants, students, and travelers—to the Committee on Foreign Affairs.

By Mr. HENRY of Connecticut: Petition of Suffield Grange, favoring a parcels-post system—to the Committee on the Post-Office and Post-Roads.

By Mr. HOWELL of New Jersey: Petition of Anchor Grange, No. 173, Patrons of Husbandry, favoring parcels-post and postal savings-banks laws—to the Committee on the Post-Office and Post-Roads.

By Mr. HOWELL of Utah: Petitions of citizens of Silver City, Salt Lake City, Ogden, and Beaver County, Utah, against reduction of duty on lead and lead ores—to the Committee on Ways and Means.

By Mr. HULL of Iowa: Petitions of citizens of Story, Polk, Marion, Warren, and Madison counties, Iowa, against legislation favoring any parcels-post system—to the Committee on the Post-Office and Post-Roads.

By Mr. KAHN: Petitions of W. J. Shroads and 25 other residents of Sacramento, Charles E. Helmig and other residents of Eureka, Robert Probst and 46 other residents of Trinidad, George W. Hinds and 144 other residents of San Jose and Santa Clara, C. H. Fincent and 46 other residents of San Diego, N. H. McLean and 149 other residents of San Francisco, John Maurice and 185 other residents of San Francisco, and J. A. Hubert and 9 others, all of the State of California, favoring an Asiatic exclusion law against all Asiatics except merchants, students, and travelers—to the Committee on Foreign Affairs.

Also, petition of California Board of Trade for the improvement of Humboldt Bay, California—to the Committee on Rivers and Harbors.

By Mr. KNAPP: Petition of residents of De Kalb Junction, N. Y., against parcels post on rural free-delivery routes—to the Committee on the Post-Offices and Post-Roads.

Also, petition of residents of the Twenty-eighth New York Congressional District, favoring parcels-post and postal savings banks laws—to the Committee on the Post-Office and Post-Roads.

Also, petition against S. 3940 (Johnston Sunday law)—to the Committee on the District of Columbia.

By Mr. LAW: Petition of Buck Brothers & Co. et al., of Brooklyn, favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

Also, petition of Cheyenne Brotherhood of Railway Postal Clerks, against H. R. 21261 (retirement provision for superannuated employees)—to the Committee on the Post-Office and Post-Roads.

By Mr. LINDBERGH: Petition of St. Cloud Trade and Labor Council, of St. Cloud, Minn., against sentence of Judge Wright imposed on Gompers, Mitchell, and Morrison—to the Committee on the Judiciary.

By Mr. LINDSAY: Petition of Frederick Hemminger and others, of Brooklyn, favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

Also, petition of Frank W. Bell, favoring legislation for more equitable treatment of railroads—to the Committee on Interstate and Foreign Commerce.

By Mr. McLAUGHLIN of Michigan: Papers to accompany bill for the relief of Hannah M. Smith—to the Committee on Invalid Pensions.

By Mr. MADISON: Petition of citizens of Kansas, against passage of Senate bill 3940—to the Committee on the District of Columbia.

By Mr. MALBY: Petition of residents of De Kalb Junction, N. Y., against enactment of a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. MANN: Petition of American Prison Association, for legislation to provide for work of the International Prison Commission—to the Committee on the Judiciary.

By Mr. MOON of Tennessee: Papers to accompany H. R. 23820, for the relief of the heirs of James C. Connor—to the Committee on War Claims.

Also, papers to accompany H. R. 3571, for the relief of T. R. Harris, and bill for the relief of Sarah E. Henoy—to the Committee on Invalid Pensions.

By Mr. NEEDHAM: Petition of San Francisco clearing house, favoring reference of subject of postal savings banks to the Currency Committee—to the Committee on the Post-Office and Post-Roads.

Also, petition of Sacramento Valley Development Association, favoring improvement of navy-yard at Mare Island—to the Committee on Naval Affairs.

Also, petition of hundreds of residents of California, against the passage of S. 3940 (proper observance of Sunday as a day of rest in the District of Columbia)—to the Committee on the District of Columbia.

Also, petitions of Stockton Chamber of Commerce; of producers, merchants, shippers, and consumers at meeting in Stockton; and of producers, merchants, shippers, and consumers at meeting in Santa Cruz, held on rate day, favoring reference of all changes in railway rate making to the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of King City, Cal., against a parcels post on rural delivery routes and parcels-post legislation in any form—to the Committee on the Post-Office and Post-Roads.

Also, petition of Tulare Grange, No. 198, Patrons of Husbandry, of Tulare City, Cal., favoring bill (S. 5122) providing for a system of parcel delivery on rural mail routes, and bill (S. 6484) for postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. PRAY: Petition of Belt Local Union, No. 770, United Mine Workers of America, for legislation to investigate the Treadwell Mining Company, of Alaska—to the Committee on Mines and Mining.

By Mr. PUJO: Paper to accompany bill for relief of Alonzo L. Boyer—to the Committee on War Claims.

By Mr. RAINEY: Petition of John Duntgen and 54 other soldiers of the civil war, favoring $1 per day pensions for veterans of civil war—to the Committee on Invalid Pensions.

By Mr. SHERMAN: Petition against passage of Senate bill 3940—to the Committee on the District of Columbia.

By Mr. SMITH of Iowa: Petition of citizens of Guthrie County, Iowa, against passage of Senate bill 3940—to the Committee on the District of Columbia.

By Mr. SMITH of Texas: Petitions of citizens of Alpine, Eastland, Shackelford, Gordon, Callahan, Jones, Haskell, Nolan, and Taylor, all in the State of Texas, against a parcels-post system—to the Committee on the Post-Office and Post-Roads.

By Mr. STEPHENS of Texas: Paper to accompany bill for relief of H. R. Bill—to the Committee on Military Affairs.

By Mr. STURGISS: Petition of citizens of town of Davis, in public meeting, favoring establishment of a fish hatchery on

the Blackwater River—to the Committee on the Merchant Marine and Fisheries.

By Mr. TAYLOR of Alabama: Petition of citizens of Alabama, against Johnston Sunday bill (S. 3940)—to the Committee on the District of Columbia.

By Mr. THOMAS of Ohio: Petition of citizens of Barberton, Ohio, against a parcels-post system—to the Committee on the Post-Office and Post-Roads.

By Mr. WALLACE: Paper to accompany bill for relief of J. B. Maryuan (previously referred to the Committee on Invalid Pensions)—to the Committee on Claims.

By Mr. WEEMS: Paper to accompany bill for relief of James G. Theaker—to the Committee on Invalid Pensions.

Also, petition of Alden Lee and others, for a parcels-post and postal savings bank law—to the Committee on the Post-Office and Post-Roads.

By Mr. WILSON of Pennsylvania: Petition of William Auglemyer and 21 others, residents of Jersey Shore, Lycoming County, Pa., protesting against the passage of the Johnston Sunday bill (S. 3940)—to the Committee on the District of Columbia.

Also, petition of A. F. Swerley, S. P. Brewster, Joel Baker, August Noelk, B. B. Baitey, R. L. Burditt, George T. Robinson, and others, for the passage of a parcels-post and postal savings bank bill—to the Committee on the Post-Office and Post-Roads.

By Mr. YOUNG: Petition of citizens of Twelfth Congressional District of Michigan, against passage of Senate bill 3940—to the Committee on the District of Columbia.

SENATE.

THURSDAY, *January 7, 1909.*

Prayer by the Chaplain, Rev. Edward E. Hale.

The Journal of yesterday's proceedings was read and approved.

COMMITTEE SERVICE.

Mr. SUTHERLAND was, on his own motion, excused from further service upon the Select Committee to Investigate Trespassers upon Indian Lands.

Mr. HALE submitted the following resolution, which was considered by unanimous consent and agreed to:

Resolved, That Mr. SUTHERLAND be appointed to fill the vacancy in the chairmanship of the Committee on Industrial Expositions (Select).

Mr. HALE submitted the following resolution, which was considered by unanimous consent and agreed to:

Resolved, That Mr. PAGE be appointed to fill the vacancies in each of the following committees:

Chairmanship, To Investigate Trespassers Upon Indian Lands (Select);

On Fisheries; and

On the Revision of the Laws of the United States.

Mr. HALE submitted the following resolution, which was considered by unanimous consent and agreed to:

Resolved, That Mr. CUMMINS be appointed to fill the vacancies in each of the following committees:

On the University of the United States;

On Public Health and National Quarantine; and

On Additional Accommodations for the Library of Congress (Select).

LAWS RELATING TO INSULAR POSSESSIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting a compilation prepared by the Bureau of Insular Affairs, War Department, embracing all legislation enacted by the Fifty-ninth Congress relating to Alaska, Cuba, Guam, Isthmian Canal Zone, Hawaii, the Midway Islands, the Philippine Islands, Porto Rico, etc., together with all treaties and conventions entered into by the United States during that period affecting any of these insular and Isthmian possessions, and also all proclamations issued by the President during this period concerning any of these possessions, etc., which, with the accompanying papers, was referred to the Committee on Printing.

ELECTORAL VOTES.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of State, transmitting, pursuant to law, authenticated copies of the certification of the final ascertainment of electors for President and Vice-President appointed in the States of Mississippi, Michigan, and Oregon, which, with the accompanying papers, was ordered to be filed.

DISPOSITION OF USELESS PAPERS.

The VICE-PRESIDENT. The Chair lays before the Senate a communication from the Secretary of the Treasury, transmitting, pursuant to law, a schedule of useless papers, books, etc, on the files of the office of the Auditor for the Post-Office Department, which are not needed in the transaction of public business and have no permanent value or historical interest. The communication and accompanying papers will be printed (H. Doc. No. 1286) and referred to the Joint Select Committee on the Disposition of Useless Papers in the Executive Departments. The Chair appoints as the committee on the part of the Senate the Senator from Texas [Mr. BAILEY] and the Senator from Tennessee [Mr. FRAZIER]. The Secretary will notify the House of Representatives of the appointment of the committee on the part of the Senate.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House had passed the bill (S. 653) to authorize commissions to issue in the cases of officers of the army retired with increased rank, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 16620. An act authorizing the appointment of dental surgeons in the navy;

H. R. 19662. An act to amend an act entitled "An act to establish the Foundation for the Promotion of Industrial Peace;" and

H. R. 21926. An act for the organization of the militia in the District of Columbia.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of the Chamber of Commerce of Boston, Mass., remonstrating against the adoption of the provision in the census bill providing for the appointment of employees in the Census Office without a competitive examination, which was ordered to lie on the table.

Mr. PLATT presented memorials of sundry citizens of Brooklyn, New York City, Pocantico Hills, and Tarrytown, all in the State of New York, remonstrating against the enactment of any legislation inimical to the railroad interests of the country, which were referred to the Committee on Interstate Commerce.

He also presented a petition of Local Grange No. 840, Patrons of Husbandry, of Mahopac, N. Y., praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. KEAN presented petitions of sundry citizens of Windsor, Cedarville, Moorestown, Woodstown, Rutherford, Medford, Vincentown, and Mickleton, all in the State of New Jersey, praying for the passage of the so-called "rural parcels-post" and "postal savings-banks" bills, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the memorial of J. S. Collins & Son, of Moorestown, N. J., remonstrating against the passage of the so-called "rural parcels-post" bill, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented memorials of sundry citizens of Newark, Paterson, Ridgewood, Elizabeth, Westfield, Boonton, Rochelle Park, West Hoboken, Jersey City, East Orange, Orange, and Bayonne, all in the State of New Jersey, and of New York City, N. Y., remonstrating against the enactment of any legislation inimical to the railroad interests of the country, which were referred to the Committee on Interstate Commerce.

He also presented the petition of George W. Smith, of Phillipsburg, N. J., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all government buildings, ships, and grounds, and also to prohibit the interstate transportation of intoxicating liquor into prohibition districts, which was referred to the Committee on Public Buildings and Grounds.

Mr. BURROWS presented a petition of Pleasant Lake Grange, No. 693, Patrons of Husbandry, of Cadillac, Mich., and a petition of sundry citizens of Onsted, Mich., praying for the passage of the so-called rural parcels-post and postal savings-banks bills, which were referred to the Committee on Post-Offices and Post-Roads.

Mr. BURNHAM presented petitions of sundry citizens of West Brookefield, Carroll, Sutton, Leavitts Hill, Laconia, and Marlow, all in the State of New Hampshire, and of Phelps and Niobe, in the State of New York, praying for the passage of the so-called "Burnham rural parcels-post" bill, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Engineering Society of the Carolinas, of Charlotte, N. C., praying for the enactment of legislation to establish a national forest reserve in the Southern Appalachian and White Mountains, which was ordered to lie on the table.

Mr. BURKETT presented a memorial of sundry citizens of Genoa, Nebr., remonstrating against the enactment of legislation discontinuing the United States Indian Industrial School